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MILITARY GOVERNMENT

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BY

COLONEL H. A. SMITH
INFANTRY

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CHAPTER I

Lecture on Military Government

Military government, or as it is frequently called, the law of hostile occupation, is the military power exercised by a belligerent over the inhabitants and property of an enemy's territory, occupied by him. This definition covers cases of rebellion as well as foreign wars.

Ceded Territory

When a conquered territory is ceded to the conqueror, military government continues until civil government is established by the new sovereign. The military government exercised by the United States in Porto Rico is an example of this.

Colonial Governments

Colonial governments have their beginnings in military government which frequently continues for many years. When the civil functions are turned over to a civil governor, viceroy, or a commission, the general principles of military government often continue to apply. Canada and Australia, while colonies, are in no sense under military government, but India, while it has thousands of civil officials, is as much under military government as it was one hundred years ago. The Philippines and Porto Rico have passed from the military to the practically self-governing stage. The study of colonial governments is exceedingly valuable to an officer intrusted with the duties of civil affairs. In such governments

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after the period of rebellion has ceased, the laws of war no longer operate, but the general principles underlying military government remain.

Neutral States

Armies, operating in neutral or even allied countries, may be compelled to administer some of the functions of military government, especially the establishment of military tribunals. Japan, in the Russo-Japanese War, established a quasi-military government in Manchuria, a neutral country, and in Korea, an allied country. The United States, in the Great World War, exercised none of the functions of military government in France or Belgium, but did in Luxembourg, a neutral country.

The entire Army of Occupation, eight divisions, passed through the Grand Duchy of Luxembourg and two more were billetted there. The display of force was so overpowering that any thought of opposition on the part of the inhabitants vanished, if it ever existed. The officials of the Grand Duchy co-operated in every way with the Americans. Offenders against the army were arrested by Luxembourg police, tried and punished by Luxembourg courts and all to the satisfaction of the army.

Claims for damages against our army were submitted to a board of Luxembourg officials before coming before our R. R. & C. Commissions.

Every request made upon the government of the Grand Duchy was complied with willingly, save one. The government had ordered a plebiscite to decide upon an economic alliance with either France or Belgium. The Peace Commission did not wish this election held until the peace had been agreed upon. The Minister of State declined to postpone the plebiscite until told that, if he did not, the American

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troops would stop the election. It was postponed indefinitely and the splendid feeling of good will and mutual respect that existed between the government of Luxembourg and the people on one side and the American Army on the other is a high testimonial alike to the good sense of the Luxembourgeoise and the American officers and soldiers.

Mandates

Under the old Roman law mandates were instructions which the emperor addressed to public functionaries. Under the common law a mandate was a service performed gratuitously. The term is used in the Covenant of the League of Nations to denote the government to be exercised over "those colonies and territories which as a consequence of the late war have ceased to be under the sovereignty of the States which formerly governed them and which are inhabited by peoples not yet able to stand by themselves under the strenuous conditions of the modern world." (Article 22.)

Reservation No. 4 to the Treaty of Versailles provides that:

> "No mandate shall be accepted by the United States under Article 22, Part 1, or any other provision of the treaty of peace with Germany, except by action of the Congress of the United States."

In every case the mandatory shall make an annual report to the Council of the League and the degree of control, authority or administration to be exercised shall be explicitly defined by the council, if not previously agreed upon by the members of the league.

Sanctions

Military government is a branch of international law, and its sanctions are the sanctions of that law.

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These sanctions are not enforced by courts or fleets or armies, but by the enlightened conscience of the world. The German occupation of Belgium, with its cruelties and violations of international law, aroused the indignation of the civilized world, made a pariah among nations of Germany and proved conclusively that a good name is as valuable an asset to a nation as to an individual. The sanctions of international law are more binding today than ever before in the history of the world.

The most succinct statement of the rules of international law applying to military government are found in Section III, Chapter V, of *The Hague Regulations*. These regulations were drawn by the ablest international lawyers and diplomats of the world. They are in certain instances the result of compromise, in others the meaning is not clear, and in others the text must be read "subject to military necessity." The clearest insight into the correct principles of military government can be obtained by a brief study in detail of these regulations.

> "Territory is considered occupied when it is actually placed under the authority of the hostile army." (H. R. 42.)

Spraight says:

> "War distinguishes between the invasion and the occupation of a hostile country. If invasion is trespass constantly accompanied by assault and battery, occupation is trespass plus undisputed possession. Invasion ripens into occupation."

Like all glittering generalities, this does not cover the case.

The occupation generally follows an invasion, as was the case of the Germans in Belgium, the United States at Vera Cruz, and in the Philippines. In the occupation of Germany by the allies, however, the occupation was coincident with the invasion, and

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was further agreed to by the German authorities in the terms of the armistice:

> "Five. Evacuation by the German armies of the countries on the left bank of the Rhine. The countries on the left bank of the Rhine shall be administered by the local troops of occupation. The occupation of these territories will be carried out by allied and United States garrisons holding the principal crossings of the Rhine (Mayence, Coblenz, Cologne), together with the bridgeheads at these points of a thirty-kilometer radius on the right bank and by garrisons similarly holding the strategic points of the regions."

Futher, the Peace Treaty itself secures the further occupation of the Rhineland by the allied armies.

Here was no trespass. The fact that the German government had agreed to the occupation and the German people had acquiesced in it, is more important from a psychological viewpoint than from a legal one. It in no way changed the legal rights or obligations of the occupying nations nor of the German people, but it undoubtedly lessened the task of the occupying governments. Compare for a moment the tasks of the allied and associated governments in the Rhineland with that of Germans in Belgium. The German people accepted the occupation as the last step before peace—a peace after four and a half years of terrible war. The Belgians never accepted the German occupation and acquiesced only when the necessary force was present to compel acquiescence. The attitude and the characteristics of the people under military government are most important to the occupying power. Indeed, good psychology on the part of the military government is more important and more difficult to attain than correct legal learning, for the laws of war and of hostile occupation are quite simple and easily understood, while psychology is as varied as the peoples of the earth. The military government must study the

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psychology of three peoples—its own, for it must have back of it the respect and admiration of its own people or it will fail; the people of the occupied territory, who must be made to feel that the government is firm, just and dignified; the neutrals of the world, for the good will of neutral countries is an asset beyond price. The German military occupation of Belgium may have satisfied the psychology of its own people; apparently it did, but it failed miserably to win the respect of the Belgians or of the neutral world—it was not firm, just and dignified, but too often changeable, harsh, arrogant, insolent and contemptuous. The American government in the Rhineland, on the contrary, won the respect of the German people and the admiration of allies and neutrals.

On this same subject, compare the situation confronting the Americans in Germany and in Mexico. Treves, Germany, and Vera Cruz, Mexico, are cities of about 45,000 inhabitants. The first was composed of a highly organized, educated and disciplined people —a clean, modern, up-to-date city. The latter was composed of people with no organization and uneducated and undisciplined in every sense of the words. In Vera Cruz not a Mexican official remained, legislative, executive, or judicial. In Treves all remained at their posts and all understood fully their duties and obligations under military government. The burgomaster of Treves told the Americans at our first interview that there would be no trouble and that all of our rules and regulations would be obeyed. He said that all officials and leading citizens would do all in their power to avoid trouble and that if any came, it would be caused by young hot-heads—boys and youths home from college.

The difference in the peoples may be illustrated by the size of the police force. Before the occupa-

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tion, Treves had a police force of about 45 men; Vera Cruz, 400.

During the ocupation, Treves had about 150 American military police and some 25 Germans. In Vera Cruz there were about 750 men on duty as provost guards and 250 native policemen. It must be remembered that Vera Cruz was a much more compact city than Treves. The methods of administration were necessarily quite different.

Administration

> "The authority of the legitimate power having in fact passed into the hands of the occupant, the latter shall take all the means in his power to restore, and insure, as far as possible, public order and safety, while respecting, unless absolutely prevented, the laws in force in the country." (H. R. 43.)

Every function of the hostile government—legislative, executive and judicial; general, special, provincial or local—passes into the hands of the occupying power. He should be prepared to exercise all these functions, but ever bear in mind "that the principal object of the occupation is to provide for the security of the invading army and to contribute to its support and efficiency." To revoke or change civil laws, especially laws relating to contract, marriage, divorce, guardianship, wills and domestic relations, generally, would be confusing and irritating to the inhabitants and burdensome to the occupant. It would require a large force of officials—a great machine—which is always to be avoided. It is better to leave all laws, civil and criminal, in effect and their enforcement to the local officials. Should it appear that the courts of justice are not functioning properly, it is better to have such courts supervised by a suitable official than to attempt an entire change.

Closely allied to this principle is another: Do not try to make over the people, to change their habits

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or customs, nor to bind them to our way of thinking. Mr. Brand Whitlock states this principle wisely and well:

> "General von Bissing was a man of force, and no doubt had many virtues, but he had lived in Barmen, Prussia, and he had this prejudice: he thought that everything should be done in the way that it is done in Barmen, Prussia. It is not perhaps a rare prejudice; every man has his Barmen, Prussia, and there were many Barmens represented around that table, Belgian Barmens, and Dutch Barmens, and Spanish Barmens, and California Barmens, and Ohio Barmens, all widely separated in time and space. Von Bissing oftimes thought, no doubt, that the Belgians were unreasonable, and at fault in not appreciating the advantages of Barmen and of doing things in the Barmen way." (BELGIUM, 650.)

When called upon to administer civil affairs in an occupied country, do not be a von Bissing. In an occupied country it is generally necessary to change the people's habits and ways of thinking, but do it by example, not precept; by education, not edicts.

In making regulations for the inhabitants, make them simple and positive, rather than complex and negative.

This is the reverse of the German method:

> "Whenever the German system touches human beings it consists of a multitude of regulations of verbotens, instead of a few simple guide-posts to point the way through the wilderness. The Germans would put up myriad sign-boards telling the traveller where not to go; instead of hacking a few trees to blaze the trail, they would hack all the trees in the forest except those along the way they wished to indicate." (BELGIUM, 440.)

Again, err on the side of too few rather than too many regulations. Trust your officers.

The American officer, when he knows the general policy, can be trusted to carry it out. Too many laws or regulations impede rather than advance the cause of justice. A few meager rules embodying the fundamental principles are all that is necessary in most cases.

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In case of a poorly developed or semi-civilized occupied country, and especially one which it is proposed to annex, the problem is somewhat different. Here must be development and education built on a firm foundation. Our military governments in Porto Rico, Cuba and the Philippines were of this kind and the problem was entirely different from that in Vera Cruz and Germany. In the first class the military government gradually passes from military hands into the hand of civil authorities. And once conditions are settled or stabilized, the sooner this happens the better.

When the government has passed to a civil commission, it may happen that the commander of the troops in the occupied territory will still be the civil governor. In the case of half civilized tribes, this is an excellent arrangement. In Mindinao, General Pershing was the commanding general of the department, reporting as such to the Commanding General of the Philippines, and at the same time he was the civil governor, reporting as such to the Philippine Commission.

Earlier in the Philippines there was complete separation of the civil and military functions. The civil functions were exercised by the Philippine Commission. There was more or less friction, owing chiefly to the fact that provinces were placed under the control of the Civil Commission before they were pacified.

Speaking of the administration of enemy territory, Spraight says:

> "There is undeniably an art in the governing of an occupied country. Mr. Hilaire Belloc has defined discipline very happily as a mixture of petty tyrannies and good fellowship in equal doses, and an older writer said its object was to make soldiers more afraid of their own officers than of the enemy. And the secret of successful occupation is really the disciplining of the conglomera-

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tion of more or less disaffected persons who make up the population of an occupied territory."

This view may be the view of Great Britain, but, thank God, it is not of the United States. The American Army has conducted many military governments, but never one founded on "petty tyrannies and good-fellowship."

In any military government there must be punishment, swift and sure, for the wicked and the lawless, and protection, safe and certain, for the law-abiding and the peaceful.

There is "an art in the governing of an occupied country," but that art is founded not on "petty tyrannies and good-fellowship," but on dignity, firmness, justice and honor.

Under this head should be considered the relations of the soldiers to the inhabitants of the country. From the first invasion of Mexico to the occupation of Germany, this has given commanding generals grave concern. General Scott on April 1, 1847, issued the following order:

HEADQUARTERS OF THE ARMY

VERA CRUZ, *April 1, 1847.*

GENERAL ORDERS }
No. 87. }

Notwithstanding the strong provisions of printed General Orders No. 20, proclaiming martial law, many undoubted atrocities have been committed in this neighborhood, by a few worthless soldiers, both regulars and volunteers, which, though stamping dishonor upon the whole army, remain unpunished, because the criminals have not been seized and reported by eye-witnesses of the atrocities.

It must be evident to all who honor their country, or respect themselves, that law and order cannot be maintained in the army, unless every good soldier shall give his personal aid to authority. This was invited and expected, under that printed order, but cruel have been the disappointments of the general-in-chief, and all the good officers and soldiers in this army.

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One more appeal is made to the ninety-seven honorable men, against, perhaps, the three miscreants, in every hundred. Certainly, the great mass ought not to allow themselves to be dishonored by a handful of scoundrels, who scout all religion, moral law, and decency. Therefore, let every bad man be denounced in his act of guilt, seized and reported for trial, and this army will march in triumph, and be everywhere kindly received, and supplied with necessaries and comforts by the peaceful, and unoffending inhabitants of the country.

As one preventive to outrage, and all officers will seek to apply others, no man will be allowed to stray from his camp, or post, in future, without a written permission, and no such permission will be given to any soldier not known to be sober and orderly in his conduct. This restriction upon the good, is the first evil brought upon them by undetected criminals.

All killing of cattle, even for food, and all seizing upon poultry, vegetables, and other private property, even during the pretense of supplying the sick, must instantly cease, except by express order of some officer of high rank. Arrangements have been made to supply the army and its hospitals by purchase, and individual officers or soldiers must, each, purchase for himself, fairly and honestly, as at home, all comforts not supplied by government.

BY COMMAND OF MAJOR GENERAL SCOTT:

H. L. SCOTT,
A. A. A. General.

One of the best orders on this subject is General Pershing's order, now known as the anti-fraternization order. Ie reads:

AMERICAN EXPEDITIONARY FORCES

FRANCE, *November 28, 1918.*

GENERAL ORDERS
No. 218.

In view of the extraordinary conditions under which that part of the American Expeditionary Forces which constitutes the Army of Occupation of German territory is serving, the commander-in-chief desires to acquaint the officers and men composing it with the expectation which he entertains as to their conduct. You have come not at despoilers or oppressors, but simply as the instruments of a strong, free government whose purposes towards the people of Germany are beneficent. During our occupation the civil population is under the special safeguard of the faith and honor of the American Army.

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It is, therefore, the intention of this order to appeal directly to your pride in your position as representatives of a powerful but righteous nation, with the firm conviction that you will so conduct yourself in your relations with the inhabitants of Germany as will cause them to respect you and the country you have the honor to represent. While you appear among them as a conquering army, you will exhibit no ill will towards the inhabitants.

On the other hand you are warned against conduct unbecoming your position as instruments of military rule. So long as a state of war continues, Germany remains enemy territory, and there must be no intimate personal association with its inhabitants. A dignified and reserved attitude will be maintained on your part at all times.

It is not believed that any acts of pillage or violence will be committed by members of the American forces, but, should any persons prove themselves unworthy of this confidence, their acts will be considered not only as crimes against the sufferers, but as dishonoring the American Army and as a direct insult to the flag of the United States. Such transgressions, should they occur, will be punished with the severest penalties known to our military law.

BY COMMAND OF GENERAL PERSHING:

JAMES W. McANDREW,
Chief of Staff.

OFFICIAL:

ROBERT C. DAVIS,
Adjutant General.

Another rule of administration is, do not make promises which may embarrass you or your successor later, and do not enter into agreements with officials of the country occupied. Baron von Bissing without doubt rued the day that he entered into a written controversial duel with Cardinal Mercier. The old soldier was no match for the able Cardinal, who led him into pitfall after pitfall. (See the chapter on *Documents in Evidence, Belgium,* Vol. II, p. 491.) It is much better to avoid any and all discussions with the people of the occupied country and, above all, to make no promises. In dealing with the people or their leaders, follow the Biblical advice and let your communications be "yea, yea, and "nay, nay."

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Many times did the written statements of Baron von der Goltz, that "young men, and with greater reason, men who have reached an advanced age, will not be at any moment of the occupation either made prisoners or employed at forced labor," return to plague Baron von Bissing. The old Baron had an impossible task in attempting to justify the deportation of Belgians, but it was made doubly irritating by the written promises of his predecessors.

Avoid in any military government doing anything which may bring ridicule upon the government. And again this is often not so much a question of what we do, as how we do it. Take, for example, the question of the time. In our occupation of Germany the official time was changed by the following order.

> "24. Time will be changed from German to International time at midnight, December 14-15. At that time all clocks will be set back one hour."

This was a poorly written order; I wrote it, so feel at perfect liberty to criticise it freely. It should have read: "All official clocks will be set back one hour." It was intended to apply to railroads, telegraph offices, American troops, the enforcement of liquor laws, etc. Due to the good sense of the American officers, no attempt was made to enforce this upon the inhabitants in their private capacities. No one cared if their private clocks were one hour fast or an hour slow. Finding it inconvenient to have two times, the inhabitants accepted the change generally and without comment.

The Germans entered Belgium in August, 1914, and at once changed the official time to German time. On the 6th of November, 1914, Baron von Luttwitz, the Governor General of Brussels, issued the following order:

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"Since the railroads and the post office are already regulated by the normal time of central Europe, this time will be enforced in Brussels from the 8th of November, 1914. On that day all clocks will be advanced about 50 minutes."

This order could not be enforced and gave the Belgians some good opportunities for ridiculing the Germans. The Belgians would look at the clock as a German was passing and one would say, "What is the hour?" If it were seven o'clock and the clock plainly so indicated, the second Belgian would say, "It is six o'clock." This order was also the basis of a celebrated Brussels joke: "The Kaiser says 'Advance on Paris,' but they don't advance: then 'advance on Calais', but they don't advance. Then 'advance on Cracow', but they don't advance. Then 'advance the Brussels clocks one hour!' "

Impressment of Guides

"A belligerent is forbidden to force the inhabitants of territory occupied by him to furnish information about the army of the other belligerent or about the means of defense." (H. R. 44.)

This article was not ratified by Germany, Austria, Japan, Montenegro and Russia. The only question of importance involved in this article is, may guides be impressed? In any war between civilized nations, it becomes very much an academic question owing to the accurate knowledge of such countries and the excellent detailed maps in general use.

In case of a war between the United States and Mexico, however, it is of vital importance to us. General Order No. 100, which has been our Bible in such matters ever since the Civil War, justifies the impressement of guides and the military commander will always interpret Article XLIV as subordinate to military necessity.

"It is forbidden to compel the inhabitants to swear allegiance to the hostile power." (H. R. XLV.)

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To compel the inhabitants of an occupied territory to take an oath of allegiance is not only in violation of the laws of war, but it is of doubtful utility. The power to punish offenses against the military government is as complete and ample without the oath as with it, and the compelling of inhabitants to take such oath always arouses indiganation and hatred, with no compensating advantages.

In the occupation of Cuba, Germany and of Vera Cruz, no oath was required of the inhabitants. The British and Boers both required oaths of neutrality from the inhabitants, but the use of such oaths is not apparent, and is condemned by the British writers generally.

In an occupation of Mexico no oath should be required of the inhabitants, but as a civil government is gradually established, the Mexicans appointed or elected to office should be required to take an oath to properly perform their duties under such government. This oath should be administered with the pomp and ceremony so dear to Latin-Americans. When a constabulary or force of rurales is organized all members of it should take such oath, and a suitable ceremony should attend this entry into the service.

> "Family honor and rights, the lives of persons, and private property, as well as religious convictions and practice, must be respected.
>
> "Private property cannot be confiscated." (H. R. 46.)
> "Pillage is formally forbidden." (H. R. 47.)

These two articles need little comment and are generally accepted. While it is true that in all wars there is a certain amount of pillaging, it is equally true that all officers condemn it, if not on moral ground, at least because of its ill effects on discipline. Most pillaging occurs during, or immediately after a

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battle or a siege when the blood is up. In an occupied territory it is much easier to stop.

Confiscation is the forfeitures of private property to public use, while pillage is the taking of private property by individuals—it is larceny or robbery, as the case may be. The best way to stop pillage in an occupied country is to educate the soldier to a proper pride in his country, his regiment and his company.

> "If, in the territory occupied, the occupant collects the taxes, dues, and tolls imposed for the benefit of the State, he shall do so, as far as possible, in accordance with the rules of assessment and incidence in force, and shall in consequence be bound to defray the expenses of the administration of the occupied territory to the same extent as the legitimate government was so bound." (H. R. 48.)

In a military government of an occupied territory sovereignty has not passed to the conqueror and it is only to this form of government that the article applies. The article is qualified by the words "as far as possible" and is to be regarded as nothing more than a general guide. It is frequently impossible to collect taxes according to the old rules.

When the Germans invaded France in 1871, they replaced all indirect taxes by direct taxes with the approval of the French, the latter realizing that it is impossible for an invader to collect stamp duties or other taxes of a complicated nature without the aid of a competent personnel familiar with the work. The entire object of this article being to avoid excessive taxation, no great fault could be found when changes not involving abuses were made.

In an invasion of Mexico it would be quite likely that all officials would flee, or at least refuse to serve. Further, the Mexican system of taxation can hardly be regarded as a model, and any changes would be for the better. In the Vera Cruz expedition in 1914, the

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army found that taxes were being collected for the Republic of Mexico, for the State of Vera Cruz, and for the city of Vera Cruz. The revenues of the city were barely sufficient to pay for the administration of the city, while there were few expenses properly chargeable to the State of Vera Cruz or the Republic of Mexico. These balances constantly grew, it not being the policy of the United States to pay the expenses of occupations out of money so collected.

The customs import duties were changed in one particular only. The duty on foodstuffs consumed locally was waived. This was necessary to alleviate distress among the inhabitants and Mexican refugees from the interior, many hundreds of whom flocked to Vera Cruz for protection. This was done with the approval of the Secretary of War and the Secretary of State.

In the case of an enlightened country taking a mandate under the League of Nations for Turkey and Armenia, it is inconceivable that this paragraph should apply. No enlightened nation would consent to enforce the taxation laws of a country like Turkey. In case the United States should declare war on Mexico with the avowed object of leading that misgoverend country into the paths of justice and establishing a stable government as was done in the case of Cuba, it is again inconceivable that the paragraph should apply. In this case sovereignty would not pass to the United States, but every exercise and prerogative of sovereignty would pass until such time as, under the tutelage of this country, our backward neighbor had learned to walk alone.

On the other hand, if, in a war with Great Britain, the United States should occupy the province of Ontario it is quite likely that there would be no necessity for changing the tax laws, especially if the offi-

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cials concerned with the collections of taxes remained at their posts and continued to function.

The paragraph is of importance only to those officers charged with formulating the policy of the military government. In an invasion of Mexico the military governors of the various States of Mexico should not change the tax laws without the approval of the commander-in-chief. Such changes as are made should be made in a uniform manner throughout the republic, and only after a thorough study of the resources, customs, and habits of the Mexican people.

> "If, in addition to the taxes mentioned in the above Article, the occupant levies other money contributions in the occupied territory, this shall only be for the needs of the army or of the administration of the territory in question." (H. R. 49.)
>
> "No contribution shall be collected except under a written order, and on the responsibility of a commander-in-chief.
>
> "The collection of the said contribution shall only be effected as far as possible in accordance with the rules of assessment and incidence of the taxes in force.
>
> "For every contribution a receipt shall be given to the contributors." (H. R. 51.)

These articles are sound and should be followed in so far as they prescribe that contributions shall be levied only by authority of the commander-in-chief, that a receipt shall be given and that the contributions shall only be for the needs of the army or the administration of the territory in question. When they prescribe that the collection of the contributions shall be effected in accordance with the rules of assessment and incidence of the taxes in force, they show the work of the theorist rather than of the practical administrator. It will generally be impracticable, if not impossible, to collect a contribution by the slow means of taxation. So far as the United States is concerned our policy will always be a liberal

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one and our army generally supplied with rations for its need. No one, however, can foresee when an army will be operating in a country where supplies from home may be cut off and contributions necessary. It is inconceivable that any American Army commander would levy a contribution for the purpose of enriching his own country or paying the general expenses of the war. In an occupation of Mexico there would be no contributions except in the rare case that taxes could not be collected for the expenses of the administration of the territory, or in case of a rich town which is unable to pay in kind. For example, if one thousand beef cattle were needed from a district and a rich town had none, it would be better to levy a contribution on the town and purchase the cattle than to requisition the cattle from the poorer farmers. It distributes the losses on those best able to pay. If, however, we are paying cash for all requisitioned articles, it makes little difference. The subject of contribution is not important to the American officer and the best rule for him is to avoid them.

In the invasion of Mexico in 1847 General Scott did not hesitate to levy contributions. In one order, G. O. 267 of September 17, 1847, he says:

> "This splendid capital—its churches and religious worships, its convents and monasteries; its inhabitants and property are, moreover placed under the special safeguard of the faith and honor of the American Army.
>
> "In consideration of the foregoing protection a contribution of $150,000 is imposed on this capital, to be paid in four weekly instalments of thirty-seven thousand five hundred dollars ($37,500) each, beginning on Monday next, the 20th instant, and terminating on Monday the 11th of October.
>
> "The Ayuntemiento, or corporate authority of the city, is especially charged with the collection and payment of the several instalments.
>
> "Of the whole contribution to be paid over to this army, twenty thousand dollars shall be appropriated to the purchase of extra comforts for the wounded and sick in hospital; ninety thousand dollars ($90,000) to the purchase of blankets and shoes for gratuitous distribution

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among the rank and file of the army, and forty thousand dollars ($40,000) reserved for other necessary military purposes."

In addition to this, on December 31, 1847, he levied a contribution on the various states of Mexico of over $2,000,000 "to support in part the military occupation of the Republic of Mexico by the Army of the United States."

It is hardly probable that similar action would be approved by the administration today.

"No general penalty, pecuniary or otherwise, shall be inflicted upon the population on account of the acts of individuals for which they cannot be regarded as jointly and severally responsible." (H. R. 50.)

Collective punishment generally takes the form of a pecuniary levy or fine, but the article refers to any kind of collective punishment. Collective punishment frequently was applied by the Germans in 1870-71. The town of Chatillon sur Marne was fined a million francs because a bridge was burned and Etampes paid 40,000 francs for a cut telegraph wire. The town of Dijon was required to deposit 300,000 francs as security for the good behavior of the people. This was afterwards refunded. I know of no case of collective punishment in Vera Cruz. There was one in Germany. In the town of Kell on three nights in succession American soldiers had had rocks thrown at them. It was impossible to discover the culprits. All inhabitants were ordered to be in their houses by 7:00 PM, and to remain there until daylight next morning. After a period of two weeks there was no further trouble in this town.

Soon after the American troops reached Treves a French liaison officer stopped in the town. He dismissed his chauffeur for an hour and left his automobile standing in the street for an hour. A small suit case was stolen. He applied to the Department

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of Civil Affairs to have a collective fine of 300 francs laid on the town to cover his loss. The reply was that it was perfectly proper to inflict a collective fine for a damaged road, or cut telephone or telegraph wires, but it was hardly proper in the case of larceny, especially when the owner of the stolen articles had been guilty of contributory negligence.

> "Requisitions in kind and services shall not be demanded from municipalities or inhabitants except for the needs of the army of occupation. They shall be in proportion to the resources of the country, and of such a nature as not to involve the inhabitants in the obligation of taking part in military operations against their own country.
>
> "Such requisitions and services shall only be demanded on the authority of the commander in the locality occupied.
>
> "Contributions in kind shall be, as far as possible, paid for in cash; if not, a receipt shall be given, and the payment of the amount due shall be made as soon as possible." (H. R. 52.)

A requisition differs from a contribution in that it may be demanded by a commander in the locality, and it should not be used except for the needs of the army of occupation. The distinction is a little theoretical and the last paragraph of Article 51 leads one to believe that the distinction was not quite clear to the learned authors.

For the use of the army anything under the sun may be requisitioned. In any military government certain trained officers of judgment and discretion must be detailed to pass upon requisitions. Our experience in Germany proved that this was necessary to prevent abuses. I recall one very active and energetic young officer who wanted to requisition for his company one piano, three guitars, and five mandolins on the ground that they would add to the contentment of his organization.

All articles requisitioned should be paid for in cash or a receipt given and payment made as soon

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as possible. This is not based on any theoretical or humanitarian grounds, but for the reason that, if an army pays for its supplies, the supplies will be forthcoming when it needs them.

Requisitions for supplies should preferably be made upon the local authorities, the burgomasters, alcaldes or mayors, rather than upon individuals. If these officers honestly assist, the burden will be more evenly distributed.

The services, not only of laborers but of the thousand and one kinds of mechanics and artisans needed in a modern army, may be requisitioned. Services should always be paid for. When this is not possible, rations must be issued to those whose services are requisitioned. Very often it will be found that a combination of wages and rations will make the requisitioning of services unnecessary.

"An army of occupation can only take possession of cash, funds, and realisable securities which are strictly the property of the State, depots of arms, means of transport, stores and supplies, and generally, all movable property belonging to the State which may be used for military operations.

"All appliances, whether on land, at sea, or in the air, adapted for the transmission of news, or for the transport of persons or things, exclusive of cases governed by naval law, depots of arms, and generally, all kinds of ammunition of war may be seized even if they belong to private individuals, but must be restored and compensation fixed when peace is made." (H. R. 53.)

"Submarine cables connecting an occupied territory with a neutral territory shall not be seized or destroyed except in the case of absolute necessity. They must likewise be restored, and compensation fixed when peace is made." (H. R. 54.)

"The occupying State shall be regarded only as administrator and usufructuary of public buildings, real estate, forests and agricultural estates belonging to the hostile State and situated in the occupied country. It must safeguard the capital of these properties, and administer them in accordance with the rules of usufruct." (H. R. 55.)

"The property of municipalities, that of institutions dedicated to religion, charity, and education, the arts and

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sciences, even when State property, shall be treated as private property.

"All seizure of, destruction or willful damage done to institutions of this character, historic monuments, works of art and science is forbidden, and should be made the subject of legal proceedings." (H. R. 56.)

These paragraphs are clear they are in accord with G. O. 100 prepared by Francis Liebet during the Civil War, and with the enlightened opinion of the civilized world. If followed in their broad spirit, no military government will commit any grave error, nor is it believed that they will in any way hamper the efficient working of any military government.

Conclusions

There has been an attempt, perhaps an unconscious one, on the part of certain army lawyers to cloud and befuddle this subject of military government. They often speak of it as some mysterious thing beyond the pen of the ordinary officer. It reminds one of the way certain artillerists in former years attempted to make mysterious their profession, hoping thereby to exalt it into a sacred profession. There is nothing mysterious about military government; it is not even in the main a legal problem, but purely a military and an administrative one. Look at our ablest military governors, General Wood, General Davis, General McArthur, General Funston, General Plummer, General Pershing, not a lawyer among them but each an executive of rare ability. In searching for a good officer to make a military governor or chief of staff for civil affairs do not select a man who travels with a large legal library. He will never get action. Select rather, one who has studied General Wood's work in Cuba, Lord Cromer in Egypt, Cecil Rhodes in South Africa and our own Porto Rican-Philippine experience. No officer should be selected for this office because

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he is a lawyer, nor on the other hand, should he be rejected because he is one. The rule is, do not make knowledge of law the deciding factor. Major General Crowder, J. A. G., who was military secretary in the Philippines, is a lawyer of the highest standing and an administrator of the first order. Avoid the man who is continually seeking for precedents to bolster up his opinions but select rather, one endowed with initiative, zeal and vision, one who will more likely create than follow precedents.

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CHAPTER II

American Military Government in Germany

Few imagined twenty-five years ago, or even five, that the American Army would ever govern an empire on the banks of the Rhine. Professor Mercur, talking to West Point cadets in 1891, said: "Gentlemen, you may omit the chapter on billeting, as the Constitution of the United States forbids it, and the army will never fight outside our borders." Since that day, members of that class have served in Cuba, Porto Rico, Panama, Mexico, Hawaii, the Philippines, China, France, Belgium, Italy, Russia, Siberia and Germany.

Some seven years ago a colonel of infantry, while playing a war game at Fort Leavenworth on a German map of the country southwest of Metz, said: "Why don't you play these games on the map of a country where we are likely to fight?" That colonel commanded a brigade of infantry at St. Mihiel, the ground on which the war game was played.

And so, after dreaming for one hundred and twenty-five years of isolated security and freedom from entangling European alliances, the American Army came to the banks of the Rhine.

The allied occupation of the Rhineland differed from any military government ever exercised before. There were four nations differing among themselves in language, institutions and laws, and with armies whose officers had been trained along dissimilar lines. Marshal Foch and his civil affairs section of the general staff wished the four terri-

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tories to be governed in a uniform manner. Conferences of the officers charged with the duties of civil affairs were held often. The first one assembled at Lamorlaye, the marshal's headquarters, November 20, 1918. It was at once evident that there could be no agreement on several subjects. Take circulation for example. The French wished to restrict it in every sense and to permit no one to leave his canton without a military pass, and to provide that every inhabitant should have an identity card with his photograph on it. This was opposed by the Americans, first because it was unnecessary as the few Germans who travelled had such cards and the others did not need them, and second it was impracticable to require 1,000,000 people to have their photographs taken. It would take six months to complete this work and there were not films and plates enough in the occupied area with which to do it. The result was a different system in each zone, which will be discussed later under the head of circulation. Again the question early arose of using "force and surprise" to gain trade secrets from the Germans. The Belgians were eager for it, the French desired it, the British were indifferent, and the Americans opposed. There could be no agreement and the subject was dropped, each nation conducting such affairs as it wished.

Despite these disagreements, the proceedings of the inter-allied council on the occupied territory were useful and pleasant. The interchange of ideas was helpful in every way. No one would ever recommend a military government conducted by allies any more than he would recommend a war conducted by allies, but both are sometimes inevitable. If such a thing had to be, one could not ask for finer associates; nor more considerate and able officers

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than General Payot of the French Army and General Clive of the British Army.

In one other particular this military government differed from others. The commanding general of the Army of Occupation was not designated as military governor, but all of the troops in the occupied area were under his command. An advanced general headquarters was established at Treves and the administration of civil affairs was entrusted to an officer on the staff of General Pershing and called the officer in charge of civil affairs. The latter outlined the policy and co-ordinated the work with the allies. Throughout the occupation there was not the slightest trace of friction between the civil affairs section and the Third Army or any part of it.

The instructions of the commander-in-chief, General John J. Pershing, were characteristically American. "Make the government firm, just, dignified; in accord with the laws of war and the best traditions and practices of the American Army." The territory assigned to the American Army was the historic Moselle Valley, from the borders of Luxembourg to the Rhine. It embraced the greater part of the districts of Trier and Coblenz and a thirty-kilometer bridgehead across the Rhine. It is a rich agricultural and wine growing country, with excellent railways, good roads, picturesque scenery, old castles, and peopled by a conservative, home-loving, church-going people. The people are generally Roman Catholics and more men attend church on Sundays than in any other place in the world. The delegates from Rhineland to the Reichstag have always been conservative. The area contains about one million people with only two large towns; Trier, with 45,000 inhabitants, and Coblenz, with 65,000.

The first military governor of the territory of Germany occupied by the American Army was

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Caesar (B. C. 59). Trier (Treves) was at one time his headquarters. His famous bridge over the Rhine, the description of which has given students so much trouble for nineteen hundred years, was built just below the confluence of the Rhine and the Moselle, near the town of Neuwied. The numerous Roman ruins, the Emperor's Palace, the Porta Nigra Gate, the Amphitheater, attest the importance of Treves in the days of the Roman Empire. "It was indeed a little Rome." During the time of Tiberius, the Romans built a line of fortifications on the right bank of the Rhine to protect Gaul from Germanic invasion. This line was not unlike the bridgeheads held by the Americans, the French, the British and the Belgians in 1919.

The occupation naturally divides itself into two parts—the advance from Luxembourg to the Rhine, a period of constant marching, and then the final occupation and holding of the country. The instructions for the first period were few and simple, and consisted of the proclamation of the commander-in-chief and a few rules for commanding officers of troops in towns and villages. The proclamation said in part:

> "The above mentioned areas and their inhabitants are under the regulation and authority of the American Army. These orders are succinct and strict observance is expected of all. Those who observe these regulations have nothing to fear. The American Army is not bringing war against the civilian population. All who lawfully and peacefully abide by the regulations laid down by the military authorities may count on protection of their persons, houses, property and life; the others will be arrested at once and brought strictly to account. The American Army on their part will adhere strictly to the laws of nations as well as the laws of civilized warfare. * * * * * * It is the duty of the population to regain their normal mode of life, and to reestablish the schools, churches, hospitals and charitable institutions and to continue in their regular local activities. Therein they will not be disturbed, but rather assisted and protected. Insofar as their scope and bearing permits, the courts,

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city departments and civil establishments will be continued under the supervision of the American Army. The existing laws and regulations, insofar as they do not interfere with the duty and security of the American troops, shall remain in force."

The orders to the troops were intended as a guide and to secure a uniform practice. They were as follows:

PRELIMINARY INSTRUCTIONS FOR THE AMERICAN ARMY ENTERING GERMANY

1. In entering Germany the marches will be conducted with the usual precautions for security. Halts in the towns should be avoided.

2. On stopping in a town where a halt for the night or a longer period has been ordered, the commanding officer will send for the burgomaster, chief of police and other prominent officials.

He will hand them copies of the proclamation of Marshal Foch and the commander-in-chief. He will inform them that military government has been established in the town and surrounding district, that the principal object of this government is to provide for the security and efficiency of the United States Army, that so long as the inhabitants conduct themselves peaceably and quietly the ordinary civil and criminal laws will be continued in force, and will be administered by the local officials, and that private property and personal rights will be respected. Should an official decline to serve, the commanding officer will direct the burgomaster to name his successor. Should the burgomaster be absent, the commanding officer will direct the next official in rank or a suitable civilian to act as such.

The commanding officer will obtain from the burgomaster a map of the town showing the location of all banks, hospitals, railroad stations, libraries and all public buildings. He will inquire if added police protection is needed. If in his judgment such added protection is needed, extra guards will be posted.

At each halt for the night, brigade and regimental commanders will inspect the arrangements made by all detachments of their commands.

The commanding officer will direct the burgomaster to inform his people to avoid assembling in crowds and to go quietly about their ordinary affairs of life.

He will direct the burgomaster to prohibit the sale of liquors, except beer and light wines. The sale of beer and light wines will be prohibited between the hours of 9:00 PM and 9:00 AM.

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He will direct the burgomaster to forbid the sale or carrying of fire arms or deadly weapons.

He will direct the burgomaster to furnish billets for so many officers, so many men, and so many animals and such supplies (fuel, forage, straw, etc.) as may be needed for the troops under his command.

(The attention of all officers is called to the fact that requisitions shall only be demanded on the authority of the commanding officer in the locality occupied.)

He will inform the burgomaster that these requisitions will not be paid in cash, but that receipts for all billets and supplies furnished will be given. Requisitions should generally be made upon the municipal authorities, but may be made upon individuals, if necessary. The receipts given should be filed with the burgomaster.

All receipts should be signed in duplicate by a supply officer and approved by the commanding officer. One copy will be given to the municipal officer or individual furnishing the supplies and one will be forwarded to the officer in charge of civil affairs through military channels.

It is worthy of note that with these simple instructions as a guide, the American Army made the march from the Luxembourg border, down the Moselle Valley, across the Rhine and into the bridgehead without a single hostile act.

Belgian and French Orders

These simple instructions are in marked contrast to those issued by the Belgians in their advance. The Belgian troops entered Jeulich, December 3, 1918, and the commanding officer issued, among other instructions, the following:

"2. All inhabitants must be and remain in their houses from 7:00 PM until 5:00 AM. All traffic in the interim is forbidden. * * * * * *

"6. Hostages, which I will designate, must remain at my disposal in the town hall and will be regarded as the guarantors for the security of the Belgian garrison in the town. They will present themselves this evening at 8:00 o'clock and remain there twenty-four hours. They will be relieved daily by replacement. * * * * * *

"14. The entire civilian population must salute a passing officer by removing the head covering, at the same time leaving the side-walk.

"15. Whoever disobeys my order and does not carry it out will be arrested and shot without ceremony. The

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inhabitants in question, as well as the city, will be furthermore subject to a fine."

The French issued similar instructions, in some cases. The 2d Dismounted Cavalry Division issued, among others, the following:

"The town major will inform the burgomaster and the notables that they are responsible for the attitude of the population toward the French Army. He will designate for that purpose two or three hostages, who will remain at the guard room. * * * *

"All doors to remain open in every house. Civilian traffic inside the town forbidden from dusk to daybreak. All men to salute the French colors and all officers."

These instructions show in principle one difference between the American occupation and that of the allies. Another difference was in the number and character of orders issued. The Americans issued few, but simple instructions, and these were enforced to the letter. The other armies of occupation issued more complicated and voluminous orders.

On December 13, 1918, Orders No. 1 from the officer in charge of civil affairs in occupied territory was issued. This order organized the office of the Officer in Charge of Civil Affairs with the following departments:

(a) Public works and utilities.
(b) Fiscal affairs.
(c) Sanitation and public health.
(d) Schools and charitable institutions.
(e) Legal department.

It was never the intention of this office to build up a large machine, but to leave all matters of detail and the execution of all plans to the Army of Occupation, reserving to the department only the larger matters of policy.

All civil and criminal laws in the occupied territory were continued in force and were administered by the local officials. Crimes, not of a military na-

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ture, and which did not affect the safety of the army, were left to the jurisdiction of the local courts. The German administration is highly centralized, and the people and officials accustomed to obeying orders. Probably no military government ever exercised by the United States ran so smoothly and easily and with so little friction between the army officials and the civilian officials as this particular government. The higher German officials, such as the President of the Rhine Province, the regierungsprasidents and the burgomasters of the larger towns, such as Coblenz and Trier, are skilled administrators and able officials. They yielded readily to superior force and complied strictly with all orders issued to them. Elections were held in January to elect delegates to the National Assembly and to the Prussian Diet. These elections were orderly and were in no way interfered with by the American troops. In March the government in Berlin issued orders directing that elections be held in Rhineland to elect new local officials, burgomasters in small towns, and landrats. As this might have resulted in removing from office officials with whom the Americans had worked successfully and might tend to upset or confuse the machine, these elections were forbidden in all occupied territories. No laws of a purely local or administrative character were suspended.

Inter-Allied Commissions

In another respect the civil administration instituted by the Americans was different from any heretofore exercised by our army. The simple and well understood laws of war and of hostile occupation could not in all cases be applied. In some instances the terms of the Armistice took precedence and the views of the allied governments had to be

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taken into consideration. There were appointed some sixteen inter-allied commissions, with eighteen or twenty sub-commissions, for regulating different phases of the administration. In many cases the duties and scope of these commissions were not clearly defined and there was of necessity conflict of opinion and authority.

A board of officers was appointed for the American section to co-ordinate the action of all inter-allied committees and sub-committees.

Trade

In the beginning of the occupation the economic policy included two basic principles, which mutually contradicted each other. One was that announced in the proclamation of the marshal that the economic life of the occupied territory was to continue as far as military necessity permitted. The other, that the blockade of Germany was to be maintained. The line of blockade cut the industry of the occupied territory from its sources of food and raw materials, and from the markets for its manufactured goods. To expect food and raw materials to come into a country, at the same time forbidding all exports, was to ignore the most elementary principles of political economy; to deny existing markets to manufactured goods, without providing others, would make it impossible for factories to continue work.

An economic section was organized in the American territory and given authority to issue permits for the exporting and importing of all articles deemed necessary for the industrial life of the district. Factories were inspected and when stocks accumulated, permits to export to Germany were given. The Belgian and French commissions were always kept informed of the stocks of manufactured goods on hand,

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and were told that if they needed any of these products they would have first call upon them.

More than 4,000 permits to export goods were given by the American economic section. The inter-allied economic section was informed of each permit given.

The adoption of this policy reduced the number of unemployed from over 5,000 to 200, and this notwithstanding the fact that more than 16,000 demobilized German soldiers returned to their homes in the American district. The adoption of any other policy would only have resulted in a large number of unemployed, with consequent disturbances and possible rioting.

Provost Courts

The German system of courts was in no way interfered with and they exercised both civil and criminal jurisdiction, the same as before the occupation. No member of the American of allied forces could be tried by German courts. To try offenders against the military government for violation of our laws and regulations, a system of provost courts was instituted. Army corps and division commanders were authorized to convene military commissions for the trial of inhabitants offending against the laws of war or the military government. These were superior criminal courts and there were but five cases tried before them during the entire occupation. Division commanders appointed for the districts occupied by their division a superior provost court, consisting of one officer, preferably a field officer. The maximum punishment which this court could impose was imprisonment for six months and a fine of 5,000 marks or both.

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Commanding officers of each city, town or canton were authorized to appoint an inferior provost court, for the trial of minor offenders against the laws of war or military government. The maximum punishment which this court could impose was imprisonment for three months and a fine of 1,000 marks, or both. These courts were practically police courts and each kept a simple record showing the name of the offender, the offense, the plea, the findings, the sentence and the action of the convening authority in each case. Weekly reports were forwarded each Saturday to the office of the officer in charge of civil affairs, showing all cases tried and the information just enumerated. All money collected as fines by provost courts was turned in weekly to the Department of Fiscal Affairs.

Up to and including May 15, 1919, 4809 cases were tried by provost courts. The offenses committed may be divided roughly as follows:

(a) For attacking, disturbing or impeding American troops ---------- 188 cases
(b) For destroying, damaging, or stealing property of the American Army-- 362 cases
(c) For purchasing, receiving in pawn, or having in possession articles of clothing or rations furnished American soldiers ---------- 617 cases
(d) For refusing or failing to comply with orders issued by various military authorities on the subjects of police, sanitation and requisitioning of billets ----------1000 cases

In addition to these there were 245 cases for the sale of prohibited alcoholic drinks. There were 223 cases for the sale of light wine and beer outside of authorized hours. There were 45 cases of violation of censorship rules. There were 103 cases of unauthorized assembly. There were 1,228 cases of violations of the regulations concerning circulation. Four hundred and sixty-six cases were dismissed. In

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most of these cases the defendants were found guilty of minor offenses but were let off with a reprimand or warning. More than a million francs were collected as fines and deposited to the credit of the United States. Five cases were tried by military commission. Of these, one was for conspiracy to smuggle cognac into American occupied territory; two were for failure on the part of factory owners to report material in their possession which had been stolen from France or Belgium; one was for violation of trust on the part of a burgomaster, and one for an attempt to incite mutiny among the American soldiers. A study of these provost court cases shows that the rules and regulations were uniformly enforced throughout the American area.

The success of the provost courts depends largely upon the personality and character of the provost judge. To be a success he must be a man who understands human nature and be blessed with a sense of humor. One of our best provost judges was the provost judge of Trier, Major Amos Thomas. He was a young lawyer from Nebraska and brought with him not only legal learning but a fine spirit of Americanism. Among Major Thomas' first cases was one of a small German boy for stealing a package from an American automobile. Major Thomas sentenced this boy to be whipped before his school. The school teacher explained the nature of the offense and gave the boy a sound thrashing in the presence of his schoolmates. There were no more cases of this kind. Major Thomas was the "Judge Ben Lindsay" of the American occupation.

Sanitation and Public Health

Investigation showed a thoroughly organized public health service, well equipped and fairly well

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administered, consisting of permanently appointed civil officials. The personnel was found to be adequate and as a rule competent, so that the manifest policy was to continue the German organization in force with such supervisory control as might be necessary. This was satisfactorily accomplished by directing division commanders to supervise the civil sanitary service within their areas through their division surgeons, who co-operated effectively with the local German health officers in all matter pertaining to public health and sanitation.

Medical attendance and service for the civil population was on practically the same footing as in peace times; hospital and laboratory facilities were sufficient. Many drugs and essential medical supplies were found lacking. Steps were taken to supply these to hospitals from army medical supply depots.

War conditions exercised a very definite effect on the vital statistics of the civil population in the occupied area; the birth rates were nearly cut in two, while the death rates almost doubled; communicable diseases, especially typhoid fever, dysentery and tuberculosis, increased markedly; many of the school children were under weight and under height and were pale and poorly nourished.

The general sanitary conditions are excellent. The cities and larger towns have as a rule safe and adequate water supplies, and are well sewered, with rates for typhoid fever, previous to the war, well below those of American cities of similar size. Many of the villages are dirty and poorly policed.

A comprehensive survey of the food situation in the occupied area showed that Germany had worked out and maintained an elaborate system of food control beginning early in 1915. On account of

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the shortage of many of the important articles of diet a strict rationing system was adopted, including at first bread, then meat and potatoes, and extending finally to nearly every essential food product. With strict economy and a perfect system of management there would probably have been sufficient food produced in Germany to supply the physiological needs of the population as to nourishment, but on account of the inherent difficulties of the problem, the government was unable to secure a fair and equable distribution of the food. The producers could not be compelled to turn over their produce to the government at the low price fixed by the government, but sold at high prices to individuals who could afford to pay; the result was the *Schleich handel* (under-ground methods), with all the attending evils.

During the first two years of the war there were serious difficulties on account of lack of food, but in the fall of 1916 the potato crop failed and a large proportion of the poor people lived for six months or more on turnips (*Steckruben*), a very poor substitute. From that time on, food conditions became more and more stringent; allowances of the essential articles, such as bread, meat, potatoes and fat, were cut down so that by 1918 the caloric value of the ration in most communities was less than half the physiological requirements. On the other hand there was always sufficient food for those who could pay, so that the well-to-do and the higher priced hotels and restaurants always had food in abundance. The result was widespread dissatisfaction, which increased as time went on; the soldier from the front returned to his family in the city and found them hungry if not actually in want, while the well-to-do were as liberally supplied as ever. This condition of affairs probably exercised a potent influence in caus-

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ing the general unrest which finally burst out in the revolution in Kiel in November of 1918.

It is difficult to estimate the exact effect on the civil population of this enforced reduction in diet. There has been a great increase in the mortality rates in general and tuberculosis in particular, and there is definite evidence of under nourishment in school children. Nursing women, children and the sick have been the greatest sufferers. On the other hand there has been an improvement in the physical condition of the obese and overfed, the gouty and diabetic.

In this area, the food situation improved distinctly, first on account of the advent of spring, with a wealth of green vegetables, and second, because the American Army authorities authorized the selling to civilians of certain essential articles of food from quartermaster stores, such as bacon, canned beef and salmon, rice, flour and canned milk.

Billeting

In each city and village there was a billeting officer, charged with the duty of securing suitable quarters for officers and men. He worked in cooperation with the burgomaster. In the cities of Treves and Coblenz the best hotels were requisitioned and used by officers, and to care for American and allied guests coming into the area. Entire houses were requisitioned in some cases. On arriving in Treves I directed Major Luke G. Thomas, of my staff, to secure the best house in the city for the use of the commander-in-chief and the second best for me. He secured a handsome house for the commander-in-chief, which was owned by an iron manufacturer. The taking of this house pleased the inhabitants

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very much, as the owner was believed to be a war profiteer.

The higher German officials and prominent citizens accepted the occupation but were at first inclined to try out the American temper. When the burgomaster of Trier was summoned and told to secure a suitable office building in a good location, and dignified in every way, he took me to an old dilapidated barracks on the outskirts of the town. When told in a forcible way that this building was not dignified, was not an office building and was not in a suitable location, he took me to a school. When informed that the American Army did not propose to use school buildings and that if he did not procure a suitable office building within a few hours that I would secure the building, he then took me to the building occupied by the regierungsprasident—modern three-story office building in the best location in town. No further trouble was ever experienced with this official.

Early in December it was decided to have all banks in the occupied territory submit bank statements on a form prepared by the Deparement of Fiscal Affairs. All banks in the area complied with these instructions except the Deutsche Bank in Trier, one of the largest banks in occupied territory. When informed that this bank had not made the statement asked for, I sent an aide with two armed soldiers to arrest the president of this bank and bring him to my office. He was marched through the streets and was presented to me with knees shaking and perspiration streaming from his brow. He was given four hours in which to make this report, or go to jail. The report was received within three hours. No further trouble was ever experienced from this or any other bank or mercantile establishment in the territory.

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Censorship

The censorship over the press, postal, telegraph and telephone service was early established. The censorship over the press was liberal. Articles reflecting on the military government or upon the allies were prohibited. There were several cases of suspension of newspapers of from one to seven days for violations of these rules. Aside from this the press was free. Long distance telephone messages were subject to censorship, as were all telegrams. The mail was subject to censorship at all times. About five per cent of all letter passing through the mail were read by the American censors. The object of this censorship was not to prevent communication, but to gain information for use of the American Army in regard to the sentiment in occupied territory.

All theaters and moving pictures were subject to censorship. In Treves there is a city theater, subsidized by the town. There was a fairly good opera company playing there when we arrived. The American censor in Treves was a fine, upstanding, rosy-cheeked, young officer. He was full of zeal and American enthusiasm. I asked him one night at the theater why they never sang *Madame Butterfly* and he replied, "Why, General, I have forbidden it, because in that opera an American naval officer is represented as having two wives." We often boast about our American sense of humor, but some of the American officers certainly lack it. *Madame Butterfly* was being sung all over the world and in the occupied territories at Cologne and Wiesbaden.

Early in January an enterprising firm in Treves issued a series of postal cards representing the American soldier and the German. These cards

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were excellent and in no way reflected on the American Army. A typical one represented a fine looking American soldier and standing in front of him a small boche boy, in wooden shoes, and in his hand a German helmet, and he was saying to the soldier, "Give me chocolate for this war helmet." The sale of these cards was forbidden by this same censor and the stock on hand seized and destroyed. Frederick Palmer is right; the army officer needs broadening and should mix more with his fellow-men.

Circulation

The first meeting of the inter-allied council for the governing of the occupied territories showed a marked divergence of opinion in regard to circulation. The French and Belgians wished no circulation beyond the limits of towns and villages without permission in each case from the military authorities. The British were more lenient but wished to limit circulation at night. The Americans wished circulation to be practically free and that the people be permitted to go about their ordinary affairs of life as usual. An agreement on this subject was impossible as all declined to yield. As a result of this, regulations regarding circulation differed very materially in the four zones. The Americans made it free within their zone, provided the traveller had an identity card, which practically every German had. The British required all inhabitants to be in their houses after nine o'clock, except where special permission was given. There may have been some necessity for this in the large city of Cologne, with its somewhat turbulent population. The French and Belgian regulations were even more strict at first. The American idea, however, was the correct one and the other nations came in time to adopt it, ex-

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cepting that the British always required the people of Cologne to be off the streets at nine o'clock.

In order to check unauthorized persons coming into towns and villages, burgomasters were required to report all arrivals within their jurisdiction. Each house also had posted just inside the door a list of all residents, showing the name, sex and age. A curfew law was imposed by the American authorities upon a few towns where disturbances occurred.

To go beyond the American zone, into unoccupied Germany or to the British, French or Belgian zones, a pass was necessary. Circulation offices were established in the larger towns. It was astonishing how many Germans wished to travel. In Coblenz and Treves they applied for passes by the hundred. These passes were always granted where there was any legitimate reason for so doing.

One morning a young girl, about thirteen years of age, the daughter of the woman whose house I occupied, asked one of my aides if I would grant her a pass to go to Wiesbaden on a pleasure trip. He replied, "You had better not ask him," but to apply at the circulation bureau for the pass. She asked him, "What shall I tell them?" and he said, "The truth." She was very doubtful about her ability to obtain this pass, but at noon she showed the pass to him and asked, "In dealing with the Americans, must we always tell the truth?" and he replied, "Yes, if you wish to get any place." She then said, " I do not understand it; we never tell our own officials the truth."—"Out of the mouth of babes and sucklings." This is one of the severest arraignments of the German system I have ever heard.

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Schools and Charitable Institutions

The duties of the department of schools and charitable institutions were defined in orders as follows:

> "This department will exercise a general supervision over all schools and charitable institutions in the occupied districts."

Pursuant to the policy outlined by the commander-in-chief, American Expeditionary Forces, orders were issued directing that all buildings of schools and charitable institutions used as billets for troops would be vacated wherever it was possible to give the troops proper accommodations elsewhere. As a result, these buildings became available for their normal use, and beginning January 1, 1919, almost every school building in the territory occupied by American troops was open and available to the German educational authorities.

A study of the official text of the "Law for the Elementary Schools of Prussia" was made, but no additional restrictions were imposed upon the German educational authorities. In addition a list of all charitable institutions in the territory occupied by United States troops was prepared, containing the following data: name of the institution, its character, location and the number of inmates.

Supervision of schools and charitable institutions was exercised through the commissioners of education, or, in isolated cases, through the responsible director of the particular institution concerned. This plan gave satisfactory results and met in every way the requirements of the situation.

It is believed that the policy pursued by the American Army of Occupation in the matter of education was, irrespective of the legal status of war, in accordance with the best traditions of the American people on this same subject.

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Public Works

As soon as American troops had occupied their area an inspection was made of all public utilities, the principal highways, and the leading industrial plants. The importance of obtaining an uninterrupted service from the water works, electric light and power companies, gas works, street railways, plants for disposal of sewage, and street cleaning was discussed with German authorities.

It was found that the machinery used in the various utilities was generally in need of overhauling but that there was no danger of breakdown. The existing conditions made possible a normal operation in all lines, except that there was grave concern over the shortage in the coal supply. Conferences were held with the German fuel administration, the Inter-Allied Railroad Commission and the mine operators. Shortly afterwards the labor unrest at the coal mines in Saarbrucken was steadied and as railway traffic became more nearly normal, a supply of coal sufficient for the immediate needs became available. It was, however, impossible to accumulate any large reserve stock, and the strikes in the Ruhr and Saar districts revived the possibility of a shortage in fuel. Measures were taken to protect the public works so far as fuel requirements were concerned.

Roads

The country highways and many city streets were like the machinery in the public utilities—in need of overhauling. The immediate increase in traffic caused by the large number of American automobiles and trucks required such work to be started at once, and the first road construction work was done by American troop labor. A general

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scheme of road improvement, mostly resurfacing, was begun. This work was supervised by the engineer troops of the Third Army, but the labor was furnished by the German authorities.

Recovery of French and Belgian Machinery

In connection with the industrial reconstruction of France and Belgium, this office traced and located such stolen property as was in the hands of inhabitants of the territory occupied by United States troops. Very little agricultural machinery was distributed in this district, but there was a considerable quantity of metal working machinery and some equipment taken from glass factories and chemical works. A record was prepared of all stolen property and steps taken to secure it against deterioration or unauthorized removal. In some cases French and Belgian factory owners visited the area and they were assisted in identifying their property.

Requisitions

The principle of requisitioning supplies was exercised extensively throughout the area, but always under central control so that there was no abuse of the privilege. Requisitions were limited to the classes of supplies procurable on the supply tables of the American Army and properly approved receipts were given in all cases. Food and forage were not requisitioned. A board of appraisal was appointed and payments made for all property heretofore obtained by requisition on the inhabitants.

According to the system used, requisitions were made on the local burgomasters, who as a rule placed the orders with appropriate dealers or stores. The whole transaction was little different from buying on a few months' credit.

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Investigation Department

This department was not planned in advance, nor indeed was its usefulness foreseen at all. Like Topsy, it just growed. Throug an error at General Headquarters, Lieutenant Colonel William G. Schauffler, Medical Corps, was sent as attending surgeon to the civil affairs department. He was not needed as a surgeon, but fortunately he was a man who had travelled extensively in Europe, spoke German not only fluently, but like a German, and in addition he was a sympathetic man of great personality who inspired confidence in every one. He was first used as an interpreter in important interviews and soon was given nearly all investigations where German officials were concerned. Later he was assigned to make a study of various German governmental activities. This he did not only by collecting German text-books and laws, but by personal interviews with public officials. A study was made in this way of the following subjects:

1. Education.
2. Finances.
3. Food distribution, method of.
4. The government of the Rhine province.
5. The judiciary.
6. The police system.
7. Sanitation and health.

A department of this kind becomes a necessity in any working military government.

Keeping in Touch With the People

No military government can be a success unless it keeps in touch with the sentiment in the occupied district. The sources of information are many and varied—intelligence reports from all headquarters, reports of censorship, and secret service agents, reports of interviews with inhabitants, newspapers not only of the occupied area but of adjoining states,

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reports of chambers of commerce and other business associations and even the sermons of priests and preachers. A recent graduate of Harvard Law School, Captain Allan Schauffler, Engineers, was charged with the duty of daily studying all these sources and digesting and editing the work. It was voluminous but important. He had his finger on the pulse of the community at all times. Daily reports of all important happenings were laid on the desk of the officer in charge of civil affairs.

Rate of Exchange

On entering Germany no rate of exchange was fixed by the Inter-Allied Economic Council. The American soldiers were paid in francs and these were exchanged at stores and banks at ratios varying from 100 francs equal 100 marks, to 100 francs equal 120 marks. This led to some confusion and complaints by soldiers against shop-keepers. December 13, the rate was fixed at 100 francs equal 142.85 marks. Officers and men were directed to change their money at banks. Shortly afterwards all traffic in money was stopped by the establishment of government exchange bureaus.

The mark continued to decline in value. During March, 1919, the rate was 100 francs equal 200 marks. For the month of May it was 100 francs equal 222.22 marks. For the month of June the mark increased in value, 100 francs equalling 208 marks. These official rates of exchange were fixed by the Inter-Allied Economic Council of Paris. There was always some speculation in marks as the local banks paid more for francs than the official rate.

The Attitude of the Germans

The army began its march into Germany on Sunday, December 1st. It was a bright sunny morn-

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ing and it seemed as if the entire population had turned out to see the Americans. Their whole attitude was one of curiosity. In the city of Treves, which the troops reached about noon, the streets were crowded with men, women and children—all wished to see the Americans. One cannot refrain from contrasting the behavior of the people with the description of the German entrance into Paris in 1871. The Germans found every place vacant; every door was closed from morning until night. The streets remained vacant all day except for the marching Germans. Business stopped. Everywhere were indications of sorrow and grief. With such dignity did France bear her trials that she awakened the sympathy of the entire world.

The Germans knew well the nature of military government—that it is founded upon force and force alone. Some were conciliatory, but the better classes and officials generally were inclined to try out the American temper. The burgomaster of Treves, Herr von Bruchhausen, is typical of one class of German officials. He is a handsome, dignified gentleman, with iron grey hair, about fifty-five years old. He has been a public servant all his life and burgomaster of Treves for twelve years. On arriving in Treves I sent for him and explained the proclamation of the commander-in-chief and our orders to him. He at once replied that there would be no trouble on the part of the Germans and that they would obey all these orders. He added that if there was any trouble it would be caused by some young hotheads, probably college boys now at home, but that the officials and sober business men would use every effort to control the people. He is the highest type of German official. He frequently apologized for the appearance of his town, stating that for nearly five years almost no money has been available for street improvements.

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The president of the district of Treves, a Prussian appointed by the German Emperor, was a man of an entirely different type. He was a thorough Prussian, sent from Berlin, and as unpopular with the people of the Rhineland as he was with the Americans.

German Opinion of the American Army

There was never any apparent ill-feeling on the part of the Germans towards the Americans. This may have been the result of German propaganda in this district or of instructions from the Berlin government, but a citizen of Nening informed one of our officers that the Germans felt kindly toward American troops because of the generous treatment accorded the prisoners taken by the Americans.

The mayor of Kasenback stated that:

> "When your troops finally reached here we watched their every movement with mingled feelings of fear and uncertainty, but today, after living twenty-four hours with them, we have no longer any apprehension. They are wonderfully mild mannered men and a great contrast to the domineering attitude of our own soldiers. This is a great relief when we consider how the Saxons treated us when they came through here."

The *Bitburger Zeitung* of December 7th said:

> "It is just to acknowledge that the American military authorities are efficient without harshness, and the behavior of the American troops is wonderfully good. The Americans take pains not to make the occupation appear vexatious."

The *Triersche Zeitung,* of December 12th, states:

> "The American soldiers are distinguished from one another, apart from the almost invisible rank insignia, only by their facial expressions and general appearance. They are all clean shaven and their uniforms are alike. The horses of the superior officers are not more gorgeously harnessed than those of the ordinary troopers. Also the rations are the same, only the officers are served a little better. Recently, for dinner, as we have been

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informed, soup, beefsteak, and trimmings, and pudding were served. We should like to add that when the American soldier is not provided with rations, he draws an allowance of six marks daily. This proves that he lives fairly well. Our Musketeers would have indeed jumped at such an allowance (so runs the old German saying). But we must take into consideration that the United States is the richest country in the world and there $1.00, or four marks, must be expended for articles than can be obtained for one mark here. What is most conspicuous in other Americans is the assurance and the peaceful manner in which they perform their duties. We hear no strident sounds or no insolence; we see no dissatisfaction, much less haughty mien, but always a friendly smile when intercourse with the citizen is necessary. We observe everywhere a complete development. There are no disagreeable relations between the soldier and his superior, and from these, we should draw a lesson for the citizens of our new republic. The pay of the American soldier we cannot offer, but we can give our people the position they take in life. The great differences between the lower grade officers and the men do not exist with them, nevertheless everything runs smoothly and that is a particular advantage which we should take to heart."

In April and May it became evident from censorship reports that the German attitude toward the Americans was not so friendly. The French troops on the contrary were becoming more popular. The reason for these changes was probably that the Americans continued to enforce all their regulations very strictly, while the French allowed the inhabitants of their zone much more freedom than earlier in the occupation.

The American soldier's respect for women was frequently commented on in the newspapers and in letters. An article from a Berlin newspaper May 2d, entitled "Impressions of an Eye-witness," says:

"American soldiers swarm in the streets. They are well-built for the most part and their faces are unmistakably Anglo-Saxon. Their discipline in the streets is good and the American is always polite. He steps aside to let one pass and always gives the plainest woman a seat in the street cars. We people in Berlin could learn something from men in that respect, but otherwise we have nothing good to learn from them."

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That this "Eye-witness" was not entirely pleased with the American occupation is evidenced by the following quotation from his article:

> "The American in the street is always chewing. If he does not chew tobacco he chews gum, and when he is not chewing he is spitting. I walked behind an American officer who spat five times every 100 meters. One of my friends who has several American officers quartered with him, after some sad experiences, placed spittoons of ample size in the rooms; but the officers were poor shots and only 50 per cent of hits were registered.
>
> "Americans seem to have a great thirst for knowledge. Official arrangements have been made for giving them lessons in the A B C's in the Coblenz schools. On his own initiative he tries to improve himself, especially musically. He troops into the famous concerts of the Koblenzer Festhalle. Even the enlisted men pay the five marks admission fee, walk across the floor in their hobnail shoes during the playing of a soft adagio and go out a few minutes later, after having looked over the musicians, to leave room for some of their comrades.
>
> "The American soldier is not without heart and is very fond of children. It is said that many a family which had Americans billeted with them received requests for a place at the Christmas tree. The American tree was lighted with many electric lights and the band played the "Cadets' March" and "The Washington Post" by Sousa—tingle tangle and circus music. Surely we are barbarians.
>
> "The childish character of primitive peoples crops out with all its frivolities and weaknesses in the American character. They may be seen by dozens in shops, handling everything and buying useless articles at any price.
>
> "The rougher instincts of primitive peoples also come out. In the Hotel Monopole an American policeman asked the 16-year old porter for his opinion of a woman's picture. When the boy did not seem to think much of it he was shot through the stomach. The picture was of the policeman's wife. Wild West on the Rhine!"

The principal complaint against the American military government by the Germans is the system of espionage employed, especially that of tempting Germans to violate our own regulations. Some commanding officers sent soldiers to sell government property to Germans and then had them arrested for illegally having in their possession government

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stores. This use of secret agents to entrap Germans they did not understand, and it is difficult to persuade them that this is not the American policy. Unfortunately, however, there have been some cases of this. It was done generally by direction of young, inexperienced and overzealous officers, who forgot that a military government should punish only offenses which militate against the security and efficiency of the occupying army, who forgot America entered the war, not against the German people, but against the German government, and who forgot that finest of all sentiments which they learned as children at their mothers' knees—"Lead us not into temptation."

The Attitude of the American Soldier Toward the German

The attitude of the American soldier toward the German was a matter of great importance and vital interest. He had cheerfully endured the hardships of war and discomforts of life in France in winter. He accepted the Armistice as the end of the war. The "boche" had cried "enough," and with true sporting instinct he refused to kick the fallen foe. He found himself now in clean villages and brightly lighted towns, sleeping in beds with clean sheets, and he found much to remind him of his own country.

After two weeks in Germany an infantry major who had just censored 250 soldiers' letters, said that every one contrasted most favorably the German civilization as opposed to the French. The inhabitants were without doubt instructed to treat the Americans well. Foreseeing just such a state of affairs, the commander-in-chief had issued his General Order No. 218, a model of its kind. It said in part:

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" . . . You have come not as despoilers or opressors, but simply as the instruments of a strong, free government whose purposes towards the people of Germany are beneficient. During our occupation the civil population is under the special safeguards of the faith and honor of the American Army.

"It is, therefore, the intention of this order to appeal directly to your pride in your position as representatives of a powerful but righteous nation, with the firm conviction that you will so conduct yourself in your relations with the inhabitants of Germany as will cause them to respect you and the country you have the honor to represent. While you appear among them as a conquering army, you will exhibit no ill will towards the inhabitants.

"On the other hand you are warned against conduct unbecoming your position as instruments of military rule. So long as a state of war continues, Germany remains enemy territory, and there must be no intimate personal association with its inhabitants. A dignified and reserved attitude will be maintained on your part at all times . . ."

Notwithstanding this order there were a few cases of fraternization and some officers were sent back to the rear for violation of these instructions. On the whole, however, the attitude of both officers and men was above reproach.

In one respect there was complete fraternization. The doughboy played, fraternized, and gave candy, chocolate and chewing gum to "boche" children. It was not an unusual sight to see him sitting on the steps of a "boche" home surrounded by a group of merry children. Even when he knew not one word of German he was a good mixer with the youngsters. Many times have I seen a little German, boy or girl, step up to a "doughboy," slip a fat little hand in his and walk quietly along with him. He has that about him which inspires the confidence of children. Wherever he goes, be it Cuba, Mexico, the Philippines, China or Europe, he carries with him that divine doctrine taught by our Saviour, "Suffer little children to come unto me."

As time passed and the soldier longed for home, and the "boche" saw his places of amusement taken

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from him and regulations strictly enforced, the feeling became more tense. Encounters between soldiers and inhabitants became more numerous. It was the same old truth, that an occupying army, even one with the best intentions, will commit outrages, and that mutual irritation, in spite of every effort to the contrary, will grow apace. In all cases where it was possible to apprehend the offenders they were punished. In spite of these sporadic cases of abuse, when the Hun writes the history of this occupation he will have to admit that it was a clean and strong occupation, and as free from tyranny and wrong as it is possible for such a government to be.

The American Soldier

There never was, in the history of the world, a military occupation without some abuses. I believe that the American occupation of the Rhineland was freer of abuses than any other military government ever exercised by man. This is due largely to the good common sense of the American officer and soldier. Each seemed to realize that he had an integral part to play in the government, and the conduct of the officers and men was generally clean, dignified and above reproach. Each realized that the Army of Occupation was not an instrument of vengeance, and that the Peace Treaty and not the army was to punish Germany for her crimes. The American people may well be proud of their Army of Occupation.

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CHAPTER III

The Four Military Governments in Mexico

The First Intervention

The first military government ever exercised by the United States was in the Republic of Mexico. General Winfield Scott, the commander-in-chief of the first expedition to Mexico, was a lawyer by profession before he entered the army and was a deep student of governmental affairs. It will be remembered that General Taylor's army had entered Mexico and captured Monterey before General Scott started his movement. General Scott had devoted much time and study to Mexican affairs before his expedition started and many of his acts have furnished a lasting precedent for the Army of the United States.

Vera Cruz capitulated after a bombardment from the land side and General Scott was ready to start for Mexico City. Vera Cruz must be held and General Worth was appointed military governor. This was the origin of that term in our service. General Worth was directed to establish police regulations but not to interfere with the functions of civil magistrates between Mexicans. There was no question in this government of educating the Mexicans, the only object of it was to provide for the security and efficiency of the American Army.

General Worth was instructed to establish his own customs duties on imported articles. Apparently the Mexican tariff laws were ignored. The cus-

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toms duties collected were to be applied to the purchase of necessities for the sick and wounded of our army and to care for the poor of Vera Cruz. No duties were imposed upon the necessities of life.

There is a marked contrast seen between this occupation and the second in 1914 under General Funston. In the latter case, the customs were not changed except in one minor particular and none of the money collected was expended except for the operating expenses of the custom house.

General Worth, on entering upon his duties as military governor, issued the following order to the alcalde or mayor of the city:

> "Arms in possession of citizens to be given into the alcalde's possession and to be reported to headquarters. Drinking saloons to be closed and not to be reopened hereafter except under special permission. Mexican laws as between Mexicans to be enforced and justice administered by regular Mexican tribunals. Cases arising between American citizens of the army or authorized followers of the same, will be investigated by military commissions."

General Worth permitted all Mexican citizens to enter and leave the city during daylight hours.

Before starting his march on Mexico City, General Scott issued his General Order No. 40, known as his martial law order. This was afterward republished with some additions in Mexico City September 27, 1847. The army at that time was governed by the Articles of War enacted in 1806. Under these articles a soldier could not be tried by general court martial for murder, rape, or the attempt to commit either, malicious assault and battery, robbery, theft, or the wanton destruction of property. Realizing that "the good of the service, the honor of the United States, and the interest of humanity demand that these crimes shall be severely punished," military commissions were authorized to try all the crimes

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enumerated "committed (1) by any inhabitant of Mexico upon the person or property of any individual of the United States forces, retainer or follower of the same; (2) by any individual of the said forces, retainer or follower of the same upon the person or property of any inhabitant of Mexico, sojourner or traveller therein; (3) by any individual of said forces, retainer or follower of the same upon the person or property of any other individual of said forces."

This was the beginning of the military commissions which have since been used in Porto Rico, Cuba, Mexico, the Philippines and Germany. The military commission, which supplied a missing cog in our system of military courts, was not devised on the spur of the moment and it took courage and vision to put the system into effect. In General Taylor's advance into northern Mexico, a soldier had committed an atrocious murder and went unpunished for lack of a court to try him. General Scott when in Washington, presented his scheme of military commissions for the trial of similar cases, to the Secretary of War. The latter refused to act upon it, saying that it was "loaded." After this rebuff, the manner in which General Scott met the situation is all the more commendable and remarkable.

General Worth's division was the last to leave the vicinity of Vera Cruz and he went in command of it, turning over the city of Vera Cruz to Brevet Colonel Henry Wilson as military governor. The garrison consisted of the 1st U. S. Infantry and two companies of volunteers.

Jalapa was the first town of any considerable
the route to Mexico City. Colonel Childs was
ted military governor, but the troops were

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soon withdrawn to take part in the forward movement.

At Puebla, the next large town, orders similar to those issued at Vera Cruz were put into effect. Except for the presence of the U. S. troops, the city was governed and conducted as before the occupation.

At Puebla, General Scott issued a long proclamation to the people of Mexico. It sounds rather bombastic at the present day but styles in proclamations are as changeable as fashions in frocks, and this proclamation appealed to the Mexican of that day. General Worth says that it had a wonderful effect upon the people and was a factor in the army's success. Any one attempting to write a proclamation to the Mexican people should read this one and remember that flowery language appeals more to the Latin than the Anglo-Saxon.

When the City of Mexico was taken, General Quitman was appointed civil and military governor. The word civil in the title adds nothing and so long as a district remains under military government, the title should be military governor.

After issuing two orders congratulating the troops upon their valor and urging discipline and good conduct in the future, General Orders No. 287 was distributed. This imposed a contribution of $150,000 upon the city; of this sum $20,000 was appropriated to the purchase of extra comforts for the sick and wounded in hospital, $90,000 for the purchase of blankets and shoes to be distributed to the army, and $40,000 was reserved for other military necessities. This sounds rather high handed but it would be perfectly consistent today for any commanding general to do likewise if his sick and

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wounded needed comforts or his army shoes and blankets.

This order further provided that:

> "The administration of justice, both in civil and criminal matters, through the ordinary courts of the country shall no where and in no degree be interrupted by any officer or soldier of the American forces except, first, in case where an officer or soldier, agent, servant, or follower of the army may be a party; and second, in political cases —that is prosecutions against other individuals on the allegation that they have given friendly information, aid, or assistance to the American forces."

This is as applicable to local courts in an occupied territory today as when written in 1847.

The order also provided that:

> "For the care and safety of both parties in all cities and towns occupied by the American Army, a Mexican police force shall be established and duly harmonized with the military police of said forces."

The same general method was followed in the second occupation of Mexico at Vera Cruz and in the cities of Treves and Coblenz in Germany.

By General Order No. 289 the city was divided into five areas and one area assigned to each of the four infantry divisions and one to the cavalry brigade.

This order further provided that:

> "No private house shall be occupied by any corps or officers until all suitable public buildings within the above ranges shall be first fully occupied and all officers attached to troops shall be quartered with or near their troops.
>
> "No rent shall be paid by the United States for any buildings occupied by troops or officers without a special direction from general headquarters; nor shall any private house be occupied or quartered without the free consent of the owner or orders from general headquarters."

This order permitted the collections of duties at the several gates of the city by the civil authorities but at once exempted all military supplies from payment.

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The capture of the City of Mexico ended the war of masses and it remained to spread over the republic and bring such pressure to bear that the Mexicans would agree to peace on the terms of the United States.

On December 21st General Scott issued General Order No. 395. This is a long and carefully prepared order and is worthy of study by any student of military government. This order levied contributions upon the various states of Mexico, amounting in all to over $2,000,000.

General Scott had very clear and advanced views on the subject of contributions, upon whom they should be levied, and how collected. In writing to the Secretary of War in regard to these assessments he says:

> "You perceive I do not propose to seize the ordinary state or city revenue, as that, in my judgment, would be to make war upon civilization, as no community can escape absolute anarchy without civil government. I shall take care, however, that the means collected within any particular state or city for that purpose are moderate and reasonable."

A detailed and careful study of the statistics of Mexican finances was made and G. O. 376, December 15, 1847, covering the subject of taxation, both federal and state, was most comprehensive. Import and export duties at the ports of Mexico were fixed by the United States, the tax on tobacco, playing cards and stamped paper was farmed out to the highest bidder; lotteries were abolished. The method of farming out taxes is generally condemned by political economists and statesmen but it has one clear advantage—it produces the revenue. It should be used in any future military government only when necessity demands.

General Scott always was ready to assume responsibility. He realized that if he wanted infor-

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mation he must pay for it and he organized a spy company, known as the Dominguez Company and whose pay he did not wish to bring into account with the United States treasury. He kept a personal account of the moneys received and expended under his direction. He charged himself with the money received from Washington for the secret service, the $150,000 levied upon the city of Mexico, the proceeds of captured tobacco, and other sums received from various sources. He credited himself with $63,000 expended for a gratuitous issue of shoes and blankets, $10,000 for extra supplies for hospitals, $10 for every crippled man discharged or furloughed, and $60,000 for the pay of the Dominguez Company. There remained a balance of $100,000. This he sent in the form of a draft to the War Department for the establishment of a National Soldiers' Home. It was the beginning of the home at Washington.

The treaty of peace was signed February 2, 1848, and on February 18th General Scott was relieved of his command by Major General Butler, by order of the President and ordered before a court of inquiry.

The outstanding features of the administration of civil affairs are as follows:

1. The institution of the military commissioners.
2. Civil courts to function for the trial of cases between Mexicans.
3. Military and Mexican police co-operating to preserve order in the cities and towns.
4. Collection of the revenue of the republic to pay the expenses of the occupation.
5. Revenues of states and municipalities to be used locally only, and collected by Mexicans, but the collection supervised by American officers.

The Second Intervention

To avenge an insult to the flag Admiral Fletcher was ordered to seize the customs house at Vera Cruz. This was done by the navy and marines.

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Finding it intolerable to hold merely the customs house and a few docks, the troops the next day took the city.

April 22d the Congress resolved:

> "That the President is justified in the employment of the armed forces of the United States to enforce his demands for unequivocal amends for certain affronts and indignities committed against the United States.
>
> "Be it further resolved; That the United States disclaims any hostility to the Mexican people or any purpose to make war upon Mexico."

The text of this joint resolution must be borne in mind in studying the military government.

April 22d at 8:00 AM, Admiral Fletcher issued a proclamation to the alcalde, jefe politico, and the citizens of Vera Cruz. He said in part:

> "It has become necessary for the naval forces of the United States * * * to land and assume control of the custom wharves at Vera Cruz. Your co-operation is requested to preserve order and prevent loss of life. It is not the intention of the United States naval forces to interfere with the administration of the civil affairs of Vera Cruz more than is necessary for the purpose of maintaining a condition of law and order, to enforce such sanitary conditions as are needed to meet military requirements.
>
> "It is desired that all civil officials of Vera Cruz shall continue in the peaceful pursuit of their occupations."

This proclamation the U. S. consul at Vera Cruz, Mr. Canada, was asked to deliver to the alcalde and all concerned. Mr. Canada reported as follows:

> "I have succeeded in delivering this proclamation to the alcalde, Roberto Diaz, who was found barricaded in his home. He states jefe politico and all officers fled with General Maas and that he has no jurisdiction."

This was to have been expected as the Mexican laws provide that any civil official who continues to act under any invading power shall be punished with death. This act contravenes international law, and the enlightened opinion of the civilized world but it

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is a factor to be always considered in any intervention in Mexico.

On April 28th, Admiral Fletcher issued another proclamation and regulations. In these he established martial law, appointed a civil governor in whom he vested all functions of government, legislative, executive and judicial. The Mexican laws were to remain in force until changed. Tax laws to continue unless unusual exigencies arose. He appointed a collector of the port, a treasurer, and an administrator of justice who was to perform all the functions before exercised by Federal or State judges or any judge of civil or public registers or notaries public. He appointed Mr. Robert J. Kerr civil governor, Mr. Charles H. Stewart, treasurer, and Mr. William F. Buckley administrator of justice. These were all Americans who had lived in Mexico for some years.

General Funston and the 5th Brigade arrived at Vera Cruz the day this government was established.

The proclamations and regulations of Admiral Fletcher deserve study because they contain so many departures from our traditions and practices.

Mr. Garrison, then Secretary of War, saw the objections to this plan and on May 1st, he cabled General Funston as follows:

WASHINGTON, *May 1, 1914.*

"General FUNSTON,

"*Vera Cruz, Mexico.*

"I have just had a conference with the President about the administration of civil functions at Vera Cruz. Wherever the Mexican official refuses to continue to exercise his function, we think it unwise to place an American civilian in charge, and want a military government carried on by the officers of the army and the Marine Corps under your command. I have read the proposed regulations for the establishment of a civil government dated April twenty-sixth. It would be simpler and bet-

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ter to take the system which was in vogue when the Mexicans ran the city, and to put army officers at the head of the various departments, bureaus and other official positions with duties similar to those that had been performed under the Mexican administration. This will appeal to the citizens because it will be what they have always been accustomed to. It will be better for us than to have American citizens who happen to be on the ground injected into a military administration. Please acquaint yourself as soon as possible with the method of administration, that is, of all the civil government under your jurisdiction, and act thereafter in accordance with instructions above set forth."

On May 2d General Funston published his General Order No. 3, establishing military government as follows:

HEADQUARTERS
U. S. EXPEDITIONARY FORCES
VERA CRUZ, MEXICO, *May 2, 1914.*

GENERAL ORDERS
No. 3.

1. In compliance with instructions from the Secretary of War and by direction of the President of the United States, the undersigned announces himself as military governor of Vera Cruz, Mexico, and the adjacent territory now under control of the armed forces of the United States.

The government hereby established will continue the system which the people of Vera Cruz are accustomed to in so far as is consistent with military control.

2. There shall be a provost marshal general. He will institute or continue in force the usual departments of city government. He will make request to the military governor for the detail of officers to be placed in charge of the principal departments and bureaus, and for such other officers as may be necessary.

3. The judge advocate at these headquarters is appointed administrator of justice. Upon his recommendation the military governor will establish courts for the trial of civil cases.

4. In the exercise of police powers the provost marshal general will continue, for the present, the provost courts instituted by General Orders No. 2, from these headquarters, dated April 30, 1914.

5. The funds received from whatever sources will be deposited in the treasury and credited to the proper fund. The current and necessary expenses of the military and civil government shall be paid on requisition from the proper departments or bureaus approved by the military governor.

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6. The following administrative offices are exempt from the control of the provost marshal general and are under the immediate control of the military governor:

(a) The treasury.
(b) Customs, including light house service.
(c) The civil courts.
(d) The U. S. mail agency and the general post office.

FREDERICK FUNSTON,
Brigadier General,
Commanding.

Of the officers exempt from the control of the provost marshal general, the treasury was simply the custodian of funds collected by the Department of Fiscal Affairs. Funds were allotted to the various departments of government on requisitions approved by the military governor. This was practically the budget system and worked well and enabled the expenditures to be kept within the receipts.

The custom house was administered by Commander Stickney. No expenditures were made from these funds except for the operation and maintenance of the custom house. This course was followed out of regard to the interests of holders of Mexican obligations for the payment of which a certain per cent of the revenues of Vera Cruz was pledged.

The only particular in which the tariff laws of Mexico were changed was to admit free of duty the necessaries of life. This was deemed good policy on account of the great number of poor in Vera Cruz, the influx of fugitives from different parts of Mexico and the prevailing high prices.

The military governor never established any civil courts. He was preparing to do so when the expedition was withdrawn.

The mail and post office were easy propositions. A postmaster and mail clerks were sent from the Post Office Department at Washington.

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The City Government

Upon the provost marshal general, Colonel (later Major General) Edward H. Plummer, 28th Infantry, devolved the city administration. He organized his governments with six departments, to wit:

The Department of Fiscal Affairs.
The Department of Public Works.
The Department of Public Health.
The Department of Public Safety.
The Legal Department.
The Department of Education.

Upon the Department of Fiscal Affairs devolved the collection of the revenue. There were three divisions of this department, one collected the revenue of the republic, another of the state of Vera Cruz, and another of the city of Vera Cruz. There were few expenses properly chargeable either to national or state funds and these accounts always showed a healthy balance. On the other hand, owing to extraordinary expenses in the Departments of Public Health and Public Works, the revenues of the city were barely sufficient to pay the expenses of the city governments and this in spite of the fact that more money was collected in the seven months of the occupation than in any previous year.

The Department of Public Works had charge of the water supply, the street cleaning department, the street lighting, etc. The streets were kept wonderfully clean and this department, in connection with the Public Health Department, put Vera Cruz on the map as a sanitary city.

The Department of Public Safety or police department was a most important one. The city was divided into four districts and a company of marines quartered in each. The commanding officers of these

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companies were assistants in the department and charged with keeping public order in their districts. It was deemed desirable to have in conjunction with these provost guards, a native police force. An excellent chief of police, Mr. Pedro G. Bolanos, a Cuban who had been a railroad detective in Mexico, was secured. The native police force was used to make arrests of Mexicans only and gave good service. There was some objection on their part in the beginning, owing to the Mexican law before mentioned. If a guarantee could have been given them that the Americans would remain a year, over 2,000 excellent men could have been enlisted in our service either as soldiers or policemen.

The power of a chief of police in a Mexican town is much greater than with us. Every business requires a license and none can be granted without the authority of the chief of police. Not a banana can be sold on the street, not a sign painted on a building, not a small dance can be given in one's own home without his permission. Every pawn shop must report all articles received in pawn, and every hotel and boarding house keeper must report his guests' arrival and departure.

In any occupation of Mexico the question of handling disreputable Americans will always arise. The gambler, the pimp and the prostitute of American origin all came to Vera Cruz. General Funston issued an excellent order forbidding the licensing of any American prostitute. This was following the British practice who never permit a British prostitute in any country governed by the military. This is correct and should be followed in any future military occupations in Mexico. Gamblers and others without visible means of support were deported and the town kept clean of undesirable citizens.

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THE LEGAL DEPARTMENT.—Of this department General Funston says in his report:

"*The Legal Department.*—This office had various functions and served a most useful purpose.

"(a) Its primary purpose was as legal adviser to the provost marshal general, but it later developed into an office of great usefulness in other lines.

"(b) Three of the officers comprising the office force of this department were detailed as a Board of Officers on Claims.

"(c) The question of the character of the courts to be established was one of the first to be considered. The refusal of former Mexican officials to serve in their prior capacities and of other qualified Mexicans to substitute them, eliminated from consideration the idea of courts with Mexicans on the bench. Criminal courts, as hereinafter shown, with army or marine officers as judges were established. The fact that there existed considerable doubt as to the finalty that might be accorded by the Mexican government to the decisions of such courts, coupled with the further fact that there appeared to be no such exigency as called for the immediate trial of civil suits, led to the decision that courts for the trial of such cases should not be instituted at this time. Civil suits were therefore discouraged, but Mexicans are so accustomed under their law and habits, to conduct much of their ordinary business through court functionaries, that the legal department was soon flooded with requests for immediate adjustment of legal difficulties. The department invariably advised litiganta to settle their differences without litigation and, in endeavoring to render every assistance possible to this, found itself gradually assuming duties in the nature of an equitable or arbitral court for the adjustment of civil cases which, in the absence of courts of civil jurisdiction, could not otherwise be determined.

"Where the case had been settled by a Mexican court and it remained merely to execute the judgment, the record was searched out and the judgment duly executed. In cases where it was apparent that the parties could as well have instituted proceedings in the time of the Mexican regime they were directed to await the re-establishment of the civil courts. Where the case required immediate settlement in order to secure substantial justice, the same was adjudicated where possible under the letter and the spirit of the Mexican law. If no law could be found applicable to the subject matter in hand, the case was settled along as just a line as it was possible for the department to follow."

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The department adjusted over three thousand cases, the largest involving an amount of more than fifty thousand pesos.

In addition to the above, about six thousand cases involving ejectments for non-payment of rents, enforcement of contracts with reference to same and collection of back rent, were settled.

No records were kept of the above adjustments. In nearly all cases money was paid and receipts were given, thus closing the matter against future litigation.

In adjustment of all cases involving deeds of trust, mortgages and other written instruments, a memorandum covering essential points was signed by the interested parties. It was then taken to a notary public who gave it the legal form required by Mexican law by signing, stamping and recording it in his office, thus making the instrument a recognized legal document.

The department soon found that, while the Mexicans with whom it dealt attached little importance to a verbal agreement, they appeared to have "a superstitious veneration and awe for a paper signed, stamped and sealed."

It is believed that the great human interest thus shown in the settlement of the difficulties of these people, the manifest honesty of purpose in inducing them to agree, the fairness and justice of the conclusions reached, and the entire absence of the usual high costs of litigation, appealed to them in the best way possible, and gained for the agreements formed and adjustments made a validity that will be unquestioned.

In addition, this department supervised the work of the provost courts. There were three cases tried by military commissions during the occupation,

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three by superior provost court, and hundreds by the inferior provost courts. General Funston's order establishing these courts read in part as follows:

"The following provost courts are instituted and organized in and for the territory hereinafter described:

Inferior provost courts.
Superior provost courts.

"The jurisdiction of provost courts shall be criminal only.

"Provost courts shall have jurisdiction over all violations of orders promulgated from these headquarters and over all crimes and misdemeanors as defined by the Criminal Code of the Republic of Mexico, the municipality of the city of Vera Cruz, the Statutes of the United States and by common law. Capital offenses and political crimes are excepted from the jurisdiction of said provost courts.

"The territory of the city of Vera Cruz, Mexico, and the territory contiguous thereto under control of the forces of the United States shall be under the jurisdiction of said provost courts.

"All persons within the aforesaid district shall be amenable to trial by said provost courts, excepting the armed forces of the United States.

"Inferior provost courts shall have jurisdiction over the persons and in the territory described above. They may adjudge fines not to exceed 600 pesos or six months' imprisonment, or both.

"The superior provost court shall try all other criminal cases, except as hereinafter provided, and the maximum sentence imposed by said court shall not exceed 3,000 pesos or three years' imprisonment, or both.

"Company commanders and higher officers on police duty shall investigate infractions of law in their districts. After investigation, the offender will either be released, or the officer charged with the investigation will present all information against said offender in the provost court having jurisdiction to try said offense. The procedure of provost courts shall be the same as that of the United States court.

"The right to be represented by counsel shall not be denied.

"All persons charged with offenses shall be given a speedy trial.

"The sentences imposed by provost courts shall in no case be less than that prescribed by the Criminal Code of the Republic of Mexico for like offenders."

The outstanding features of this government were:

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1. The use of the provost courts to try criminal offenders.
2. The extensive use made of the court of arbitrators to settle urgent civil disputes.
3. Miltary police assisted by a native police force, both under the same head.
4. No expenditures of Mexican funds to pay the expenses of the occupation.
5. Revenues of the city used to pay the expenses of the city administration.
6. An excellent city government, conducted with a minimum of machinery.

The Third Intervention

No intervention in Mexico is ever like any other. March the 9th, Mexican bandits crossed the border near Columbus, New Mexico, and attacked the town and the American troops therein. The next day the War Department wired the commanding general, Southern Department, as follows:

"WASHINGTON, D. C., *March 10, 1916.*

"*Commanding General, Southern Department,*
"*Fort Sam Houston, Texas.*

"Number eight eighty-three.

"You will promptly organize an adequate military force of troops under the command of Brigadier General Pershing and will direct him to proceed promptly across the border in pursuit of the Mexican band which attacked the town of Columbus and the troops there on the morning of the 9th instant. These troops will be withdrawn to American territory as soon as the *de facto* government in Mexico is able to relieve them of this work. In any event the work of these troops will be regarded as finished as soon as Villa band or bands are known to be broken up."

General Pershing's order to the troops read in part, as follows:

"The following telegrams from Department Headquarters are quoted for the information of all concerned and compliance therewith is enjoined:

March 14, 1916.

"The greatest caution will be exercised after crossing the border that fire is not opened on troops pertaining to the *de facto* government of Mexico, as such troops are very likely to be found in country which you will

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traverse. The greatest care and discretion will have to be exercised by all.

"BUNDY."

"It is enjoined upon all members of the command to make the utmost endeavor to convince all Mexicans that the only purpose of this expedition is to assist in apprehending and capturing Villa and his bandits. Citizens as well as soldiers of the *de facto* government will be treated with every consideration. They will not in any case be molested in the peaceful conduct of their affairs, and their property rights will be scrupulously respected."

The troops crossed the border in two columns, fought a number of skirmishes with the bandits, killing and capturing a number. This expedition remained in Mexico until February 5, 1917, when it recrossed the border at Palomas. This expedition operated only in the sparsely settled Northern Mexico and avoided occupying towns. The lessons in military government to be learned from this intervention are like the snakes in Ireland.

The Fourth Intervention

The most interesting intervention in Mexico and the most prolific in lessons for the student of military government, is the fourth, and for the reason that it has not yet taken place. Mexico has been a troublesome neighbor for many years. She has had but two quiet periods in her history during the past century—once during the rule of Juarez and once under the iron Diaz. A state of unrest, turmoil, banditry and near anarchy may be said to be her normal condition. She is the spoiled child of the Western Hemisphere. While she is not our child, by our Monroe Docrine we become in a way responsible for her. Through neglect and lack of stern discipline toward her, Mexico needs a spanking, and after the spanking she needs a course in discipline, self-restraint and good government. During the

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spanking Mexico will regard us as an evil stepfather, but once the spanking has been administered, we must become her guide, her mentor and her friend, until she has learned to walk alone the paths trod by enlightened and civilized nations.

It is within the realms of possiblity, if not probability, that the Congress may pass a joint resolution declaring war upon Mexico and providing for the occupation of this country until a stable government is established. In an intervention of this kind, every conceivable problem in military government is presented. As the second best way to study tactics is by the applicatory method, so next to actual experience, the best way to study military government is by studying and solving concrete problems. To illustrate the proper method, I shall present a few problems for your consideration.

Map Problem A

(For Solution)

PART I

General Situation:

Congress has by joint resolution declared war upon Mexico. The resolution expresses our intention to occupy the country until a stable government is established, and denies any intention of annexing the country or waging war against the Mexican people but only against the bands of oppressors which have plundered Mexico for so long. The General Staff plan divided Mexico into five areas and provides an invading force for each area. The first area is the state of Taumaulipas, except that part north of the Fernando River. The second part in-

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cludes the states of Coahuila, Durango, Zacatecas Nuevo Leon, San Luis Potosi and that part of Taumaulipas north of the Fernando River.

The third area includes all of the Republic of Mexico south of the first and second areas. The fourth area is the state of Chihuahua. The fifth area is the territory of Tepic and the states of Sinaloa and Sonora with the sub-area of Lower California. The general headquarters will be established at Galveston. The civil affairs section of the staff will likely move to Mexico City soon after that capital is occupied. The commander-in-chief is to be designated by War Department orders as military governor of the Republic of Mexico.

Special Situation No. 1.

The commander-in-chief has been asked by the War Plans Division to submit a table showing the organization of that part of his staff relating to civil affairs.

Required:

A table showing rank, title, and outline of duties of each member of the civil affairs section of the staff of the commander-in-chief.

In the organization of this staff two things must be borne in mind. The work of the civil affairs section will steadily increase and expand until with the gradual reduction in the strength of the fighting force, it will become the whole staff. Second, two series of orders should be issued, one relating to strictly military affairs, and one to civil affairs. In the occupation of the Philippines, this officer on the staff of the military governor was called the military secretary and the corresponding officer on the staff of General Pershing in Germany was called the offi-

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cer in charge of civil affairs. The proper organization of this staff and the proper co-ordination between the military and civil sides of it is of primary importance and worthy of your best thought.

A second question of importance is how many officers are to be on this civil affairs staff. On the one hand there should be enough to control, supervise and co-ordinate every executive, legislative and judicial function of the Republic of Mexico and not one for whom there is not a man-sized job of eight hours a day.

Again, what use would you make of reserve officers? I mention this because there is some little prejudice in the army against the reserve officer, especially when he is given high rank. There are certain offices, however, which he fills much better than the regular. Take for example the position of financial advisor. There are few officers competent to advise on such subjects as currency, coinage, foreign exchange and the examinations of banks and trust companies. The man for this position must be a man like Major Benjamin Joy of the 76th Division, who resigned as Vice-President of the National Shawmut Bank of Boston to enter the army. He was of inestimable service to the civil administration in Germany.

Schools and Charitable Institutions

The feature of American colonial administration which has appealed most to the world, is the school system inaugurated in the Philippines. In twenty years, five thousand schools with twelve thousand teachers and seven hundred thousand pupils have been established. There are two thousand five hundred university students. The effect of this system has made itself felt in China, India, the French and

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Dutch possessions in Asia and even in British Egypt. After forty years in Egypt, a richer country with a larger revenue and about the same population, the British Ministry of Education has under its direct management, schools for thirty thousand pupils.

The Egyptians feel that they have not been given an opportunity to develop. Material benefits such as steamship lines, railways, good roads, manufacturing enterprises, liberal laws for the encouragement of trade and commerce, all are of great importance in a military government, but all are founded on sand unless a proper system of education is at the same time established. A military or colonial government which exploits the country at the expense of the people is doomed to failure.

With a military intervention in Mexico, one of the most important members of the Civil Affairs Staff would be the chief of the department of schools and charitable institutions. On the staff of the army corps and division commanders, he should be an educator of experience, executive ability, sympathy and vision and given rank commensurate with the importance of his position. Some of the educators who worked successfully with the army in France and Germany would be admirably suited to this work. Dr. Benton, the President of the University of Vermont, a man of zeal, initiative, vision, and charm of manner, who was remarkably successful in the educational work in the Army of Occupation in Germany, could inaugurate and carry to a successful conclusion work of this kind.

In establishing the school system in Mexico it must be impressed upon all that the idea is not to found colleges and universities to educate highly a few chosen people, but to maintain primary and grammar schools, industrial and agricultural insti-

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tutions and to raise the educational level of the entire body of the people. Trades, not professions, should be taught to the youths of Mexico, and the instructors must be men who can glorify agricultural, mechanical and industrial training. There should be no attempt to Anglo-Saxonize what cannot be Anglo-Saxonized. We would learn from the German experience in the Kameroons, of which Mr. Herbert Adams Gibbons says:

> "There was plenty of zeal and pedagogical ability, and a very earnest desire to lift the natives to a higher level, morally as well as materially. But the education was given without much affection and astonishingly little attention was paid to native psychology. There was too much idea of Germanizing what could not be Germanized and of willing that natives should learn rather than willing them to learn." (NEW MAP OF AFRICA, 310.)

Consider in selecting your staff the advisability of using Americans who have lived in Mexico. The general rule should be to avoid them as you will find that most of them are adherents of one faction or another in Mexican politics and many of them have claims against the Mexican government. On the other hand, in the occupation of Vera Cruz one of the most able assistants the civil government had was Mr. Harvey Basham, an American lawyer who had practiced law in Mexico City for fifteen years, was skilled in the language, laws and customs of the people and not allied with any faction. The services of such a man would be invaluable.

Some thought must be given to trade relations with Mexico. While the United States would likely provide an open door in Mexico so far as trade is concerned, there will be many opportunities to assist American trade in a legitimate way. There are few army officers competent to be a sort of secretary of commerce on the staff of the military governor, but the International Banking Corporation

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could doubtless furnish an able man from one of its many agencies in South America, or from its home office. The Exporters' Association in New York could assist in this matter also. This office should make arrangements to provide proper hotel accommodations for all American travelling salesmen and have safe itineraries arranged for them.

The British in Cologne established a chamber of commerce and representatives of various British industries came there to manage it and to push British business, not only in the occupied territory, but in unoccupied Germany. Contracts worth millions of dollars were made through this organization. Very early in our occupation of the Rhineland this subject was discussed and taken up with the American authorities in Paris, but no encouragement was given. There was fear of offending our allies and also of violating the trading with the enemy act. Our allies had no fear of offending us when it became a question of going after the almightly dollar.

There is an international organization very strong in the United States, known as the Rotary Clubs, of which great use could be made. These clubs consist in each city and town of one member from each profession, business or trade. Their object is the betterment of the community and business generally. The right man, by fostering the true rotarian spirit in every Mexican town, can do much to bring about a good feeling and better trade relations with the United States. A club of this kind would also appeal to the Mexican business man and offer opportunities of building up a good spirit in addition to the purely business side of it.

One of the most important members of the staff will be the officer detailed to organize the Mexican

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constabulary or force of rurales. President Diaz achieved his great success largely by the wonderful way in which he organized the lawless bands into companies of rurales who remained loyal and subordinate just so long as he was able to keep his iron hand upon them. A special study should be made of the organization of the rurales under President Diaz as well as the organization of native troops in Egypt, the Shiks and Punjabs in India and above all our own constabulary in the Philippines. The reports of General Allen, General Harbord and General Bandholtz will furnish the basis of the organization.

These are but few of the many things to be considered in solving a problem of this kind. These suggestions should suggest others.

Special Situation No. 2.

When the second American army landed both north and south of the city, the Mexican troops abandoned Vera Cruz and retreated toward Mexico City. The army commander detailed Brigadier General A to take charge and organize the city government. One regiment of infantry was assigned to him. He was informed that Major General B would later be assigned as military governor of the state of Vera Cruz and as commander-in-chief of all troops in the state, with station at Jalapa, the capital of the state. It was not expected that Jalapa would be occupied for a week.

General A was instructed to provide a municipal government and to supervise the collection of the revenues of the republic, the state of Vera Cruz and the city. On his arrival in the city he found that all public officials had fled.

Required:

(1) An outline of the work expected to be accomplished during the first two days.

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(2) An outline of the proposed city government.

In solving this problem try to visualize the situation, a town of 40,000 people, no police protection, certain public utilities needing instant protection, water works, fire department, public buildings, banks, treasuries, railway stations, etc.

Make a good show of force by marching all the troops through the city. While there are Mexican barracks in Vera Cruz capable of sheltering a large number of troops, they should not be occupied until thoroughly cleaned and fumigated. One battalion should be camped on the sanitary pier near the light house, one near the round house, one assigned to provost guard duty and the city divided into four districts with a company stationed in each and charged with its police protection.

The chamber of commerce and leading merchants and business men might be summoned to a conference and the object and purpose of the military government explained and the duty of all citizens under international law impressed upon them.

General A should consider whether or not it would be advisable to compel prominent citizens to act as public officials in place of those who have fled. Local conditions and feelings will be the deciding factor.

All saloons and gambling houses should be closed until further orders.

Guards should be placed at once in all public buildings, banks, and treasuries, and other important buildings and utilities.

The necessity for a curfew law should be carefully considered. Such laws are generally distasteful to the people and accomplish no good purpose. In this case, the show of force would likely make one

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unnecessary but it should be considered. At all events, all public meetings and assemblies of the people should be prohibited until further notice.

Great care should be given to the organization of the police force and the number of American police reduced as soon as conditions permit. There is no department of government that offers better opportunity for intelligent work than the police department and none that is so little understood. In any properly conducted police department the first essential is to educate the policemen and the second is to educate the public. In Vera Cruz, ninety-eight per cent of the people will be law abiding and desirous of obeying the laws or orders. But they do not speak our language and are ignorant of our customs. In trying honestly to do what they believe to be right, they will violate our laws. In cases of this kind, the policeman, American or native, has a difficult job, as he becomes at once a judge as well as a policeman. In organizing a police force, plan to introduce the competitive spirit. It is as important in a police force as in a company or a battalion.

For many years in New York no record was kept of the crimes committed but only of arrests made. This often leads to false conclusions. The most approved method is to publish weekly to the force a list of the crimes committed on each precinct with the number of arrests made. Policemen should be graded, not upon the number of arrests made, but upon the lack of crime upon their beats. In no other way is the truth brought home to them that the best policeman is not the one who makes the most arrests but the one who has the fewest crimes charged to his beat.

There should be a school for policemen where they are taught their duties in addition to being in-

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structed in discipline, neatness and military bearing. The native police force in Vera Cruz improved one hundred per cent after a month's daily drill and instruction under a young lieutenant of the 28th Infantry, Lieutenant Jacob Wuest. The best instructed, best set up and neatest policemen were assigned to the choicest beats in accordance with his recommendations.

The pay of the Mexican police should be carefully considered. They are poorly paid. They should be paid enough to live well and to make the position attractive. Nothing contributes more to the efficiency of a police force than a long waiting list.

No officer is really competent to be the head of the Police Department unless he has studied police methods in some of our cities or in Europe. The chief and his assistants should study the *Police Systems of Europe,* by Raymond Fosdick, and *The Policeman and the Public,* by Lieutenant Colonel Arthur Woods, who was one of the best police commissioners New York ever had.

The management of the prisons and the handling of the prisoners will be a vital problem. Prison management has become a scientific problem and there is no more fertile field for the able manager than the Mexican prisons. Prison labor is of great value when well handled. The prison officer should be a man of discretion. Vera Cruz is much nearer than Paris and "Hard Boiled" Smith and his prison management reached our press. The prison officer should read Thomas Mott Osborne's book on *Prison Management.* It contains valuable suggestions but also some visionary schemes which a Mexican prisoner would not comprehend.

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Roads

No attempt to improve roads outside the city should be made until the military governor of the state of Vera Cruz has announced his plan. There must be careful plans or much of the work will be in vain. If there are many men out of employment, road building should begin as soon as practicable. This will give employment to many unskilled laborers.

Department of Sanitation

For this department you will need the best officer and administrator in the Medical Corps. The duties will be both of an administrative and educational character in caring for the personal and communal health and cleanliness, in preaching cleanliness, the value of vaccination, of burning refuse, of making war on the fly and the mosquito, and the proper methods of fighting malaria, yellow fever, typhus, skin diseases and tuberculosis. Prophylaxis and preventive measures must be explained to Mexicans. Use may be made of Mexican surgeons who are willing to learn.

Courts

The American system of provost courts is well established and has stood the test of time. In any future military government the military commission of from three to five members, first instituted by General Scott in Mexico and developed during the Civil War and in Cuba, Mexico, the Philippines and Germany, will be utilized for the trial of important cases. The one man provost court will be continued for the trial of minor cases. A maximum limit of punishment should be placed by order upon this court.

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It is worthy of note that the French and British have no one man provost courts and in the occupation of Germany thought it was giving too much power into the hands of one man. For the ordinary cases—police court cases—the one man court is better, more expeditious, more responsible.

Procedure

The procedure before provost courts and military commissions must be simple, direct, free from technicalities, but on the other hand it must not be arbitrary, but must be guided by just rules and principles. The criticism of the German courts in Belgium was based chiefly on the fact that the courts were founded on "no juridical right and guided by no fixed rules or principles."

No theory of evidence was applied; hearsay and conclusions were admited (BELGIUM, 467) and accused persons required to prove their innocence. (Proc. posted in Grivegnee, Sept. 8, 1914, C. H. Jan.-Mar., 1915.)

On this subject Spaight says:

> "The principle of throwing the onus of proving his innocence on the accused appears unjust and cruel, but it is a necessary principle of martial law justice."

To this, assent cannot be given and our military commissions and provost courts will always in the future, as in the past, require guilt to be proved.

The rules for the American provost courts in Germany covered the ground amply. They provided:

> "*Rights of accused.*—All persons charged with the commission of offenses against the laws of war and tried before provost courts shall have the right to be informed of the charges upon which they are to be tried, to be present in person at their trial, to be confronted with the witnesses against them and to be heard in person or by counsel in their own behalf. Counsel will not be provided at the expense of the United States government.

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Inhabitants held for trial before provost courts will not be admitted to bail pending trial.

"*Evidence.*—All evidence before a provost court will be under oath, administered by the judge of the provost court, and, in general, will be taken under the rules of the common law. No evidence will be reported. In all cases a competent interpreter will be used to guarantee that the accused is fully informed as to the entire case.

"Female offenders sentenced to terms of imprisonment will, wherever practicable, be handed over to the civil authority for safe custody."

All this is not intended as a solution of the problem, but merely an enumeration of some of the many phases which such a problem presents.

Special Situation No. 3 and 4.

The 3d Division, General A, landed and took Tampico with no opposition. The division in three days had occupied the principal towns in the State of Taumaulipas south of the Fernando River and that portion of the State of Vera Cruz north of an east and west line fifteen miles south of Tuxpam. This area included all the oil district of Mexico.

Required:

1. An outline of General A's proposed military government of the State of Taumaulipas.
2. Write his proclamation to the Mexican people.

Proclamations

"In a strict legal sense no proclamation of military occupation is necessary," but "the fact of military occupation, with the extent of territory affected by the same should be made known. The practice in this country is to make this fact known by proclamation." RULES OF LAND WARFARE, par. 292.

General Pershing's proclamation to the people of occupied Germany described accurately the region to be occupied by the American Army, and then in calm, dignified language, free from invective, boasting or threats, set forth the American views.

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The first German proclamation posted at Spa, was an insult to the intelligence of the Belgians and to the world at large. It said in part:

> "It is to my great regret that the German troops are forced to cross the Belgian frontier. They are acting under the constraint of an unavoidable necessity, the neutrality of Belgium having been already violated by French officers, who in disguise have crossed Belgian territory in automobiles in order to enter Germany." (BELGIUM, p. 69.)

Contempt, hypocrisy and untruths have no place in military government. Simplicity, straightforwardness and honesty spell success in military as in civil government.

General Palaez, who had never recognized the Carranza government but who had controlled the oil district for some years, sent a staff officer to General A offering to surrender his force of 3,000 men with the understanding that he and his entire force were to be employed by the American Army as a police force or organized into a force of rurales.

Required:

General A's reply to the staff officer.

Special Situation No. 5.

The Mexican government had placed and was collecting an export tax of 15 per cent on all crude oil exported. The British oil interests asked that this export tax be suspended on oil exported to Great Britain.

Required:

General A's reply to the British oil interests.

Special Situation No. 6.

The American oil companies asked that the export tax on crude oil be suspended on all oil exported

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to the United States but continued on oil exported to other countries.

Required:

General A's action on this report.

Special Situation No. 7.

Major General B, commanding a cavalry division, was assigned as military governor of the State of Chihuahua.

Required:

A brief study of General B's plan of military government for this state.

General B's task is quite different from General A's at Tampico. The density of population of an occupied state affects the plan of military government quite as much as the war plan proper. It is one thing to govern the Federal District of Mexico and quite another to govern the State of Chihuahua.

Special Situation No. 8.

In one of the skirmishes in front of the city of Chihuahua, General B captured six Japanese fighting with the Mexican troops. The Japanese consul at once asked in the name of the Japanese government for the return of these men, claiming that the Mexicans impressed them into the service and promising their immediate return to Japan.

Required:

General B's reply to the Japanese consul.

Special Situation No. 9.

General C's division captured Mazatlan. Soon after, Mr. B, and American citizen, claimed that two

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days before the capture of the city he had attempted to sail for San Francisco with $5,000 in gold belonging to him and $10,000 belonging to C and D, other American citizens. His money, $15,000 in gold, was taken from him by the Mexican customs officials on the ground that he was violating the Mexican law prohibiting the exportation of gold coin. This money represented the savings of these men for the past two years. The American consul vouched for their citizenship and good standing. The money was found in the custom house in belts identified by B and by a Mexican official on duty in the custom house. It was clearly contrary to Mexican law to export gold coin.

Required:

General A's action on the following points:

(a) Would he return the money to B.

(b) If so, would he permit B to proceed to San Francisco with it.

(c) If not, would he have B tried for his violation of the Mexican laws.

These are but a few of the innumerable problems which an invasion of Mexico will present. The complete solution of these nine little problems will give an officer a better knowledge of military government than the reading of a dozen text-books. The difficulty in solving these problems concerning Mexico lies in visualizing the problem—in being able to grasp the exact situation in any town or state. The advantage of taking Mexico as an example lies in the fact that intervention there is always possible and anything that we read or learn of that country will help us when intervention comes.

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Comments on Solutions

Special Situation No. 1:

An analysis of the solutions submitted shows the following: Fourteen (14) members of the class made the head of the civil affairs section of the general staff a major general, eighteen (18) members a brigadier general, two (2) a major general or brigadier general, two (2) a colonel and six (6) failed to give him any rank. When it came to selecting a title for him the views of the class were even more divergent. The following titles were proposed in the solutions:

Officer in charge civil affairs, by seventeen members.
Deputy chief of staff, civil affairs, by two members.
Assistant chief of staff, civil affairs, by one member.
Chief of staff, civil affairs, by six members.
Chief of staff, civil affairs section, by one member.
Section for civil affairs, by one member.
Deputy chief of staff and director of civil affairs, by one member.
Director of civil administration, by one member.
Supervisor general of civil affairs, by one member.
Military secretary, by three members.
G6, by one member.
Provost marshal general, by one member.
Failed to give a title, six members.

These divergent views would indicate that we need a nomenclature. While a rose by any other name would smell as sweet some of the titles proposed are too long and cumbersome, and one, provost marshal general, is unsuitable in that the words now have a definite signification in our army. Would it not be well to settle upon a system in this matter? If the officer in charge of civil affairs is to rank with the chief of staff he should be called the chief of staff, civil affairs, and if he is to rank with G's he should be called assistant chief of staff, civil affairs, or G6. This would be in the interest of simplicity and uniformity.

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The number of assistants varied from five to eleven and in rank from brigadier general to major. To have such variations of rank is not good policy. The heads of all departments should be colonels if the chief is a brigadier general. A possible exception might be made in the chief of constabulary. To have the chief of civil affairs a major general and the heads of departments brigadier generals is a top heavy staff. Better make them earn their rank.

Outline of the Departments

A German, a Frenchman and an American once had a dispute as to which one could write the best article on elephants. The German retired to his closet and tried to devise from his inner consciousness what he thought the habits of an elephant should be. The Frenchman retired to his library and studied the elephant from books. The American went to Africa and studied the animal in his native haunts. It was impossible for the class to go to Mexico to study this elephant, but too many of the class tried to devise a system of government from their inner consciousness. No. 10 went to the *World Almanac* and took the principal departments of the government of the Republic of Mexico and assigned a chief to study each department. As the principal duty in the beginning is to study the government of Mexico this was a safe and sound solution.

The principal errors in this situation were:

(a) Omissions of rank and title.
(b) Too much rank.
(c) No uniformity in rank among heads of the departments.
(d) Not making the organization conform to the organization of the Mexican government.

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Special Situation No. 2:

The solutions of the class were generally satisfactory. The government instituted by General Funston in 1914, was taken as a guiding form by most students. The best solutions were those in which the student visualized the problem and considered the situations progressively just as they arose, beginning with marching the troops into the city.

Special Situation Nos. 3 and 4:

No member of the class accepted the offer of Palaez. All declined except one member who "passed the buck" clearly by saying: "Tell General Palaez to come and see me and I will talk it over with him." Many of the replies were curt and discourteous. In view of the fact that Palaez is himself a large landowner in the oil district and has worked with the American oil interests, the reply should have been most diplomatic. Even had the facts not been as above stated, a courteous reply should have been given. The solution of No. 15 is excellent in every respect. He said:

> "Your surrender will be accepted without any obligations on the part of the United States, whatsoever, to give employment to you or your followers in an official capacity.
>
> "After surrender, which must include all arms in the hands of your men, I will be glad to consider individual applications from your officers and men, for employment in such capacity as their services can be utilized. I will pay a reasonable price for all arms turned in, payment to be made to each individual, only, presenting same. After surrender each individual will have all the rights and privileges accorded citizens under the law.
>
> "If you accept these terms I will designate a staff officer to arrange details."

Special Situations Nos. 5 and 6:

All declined to reduce export taxes.

One student increased the duties to 30 per cent.

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Eight forwarded for action of higher authority.

Changes in tariff laws—either export or import —must be made by the military governor of Mexico. Tamaulipas is the great oil exporting state of Mexico and the recommendations of the military governor of that state should be given great consideration. While it is not likely that any discrimination would be made in favor of the United States or any other country, it is likely that changes in the export laws will be made. Oil companies have complained for the past ten years of the injustices of the present laws. This would be a good opportunity for General A to obtain information of the condition of the oil business with a view to making suitable recommendations later.

ERRORS

(a) Increasing the tax from 15 to 30 per cent because the companies had asked for a reduction.

(b) Forwarding these requests for the action of higher authority without a careful study of the oil business.

(c) Curtness is out of place in an official letter and in a communication to the head of a great industry is impolitic if not imprudent.

(d) Assuming that changes in export duties would be exploitation.

There is nothing sacred about revenue laws and they may all be changed before the Americans have been long in Mexico.

Special Situation No. 8:

THE LAW

"A neutral cannot avail himself of his neutrality:

(a) If he commits hostile acts against a belligerent.

(b) If he commits acts in favor of a belligerent, particularly if he voluntarily enlists in the armed force of one of the parties." (H. R. XVII.)

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THE FACTS

In view of the peculiar relations existing between Japan and Mexico to accept the facts as stated would be childish. In the absence of the most positive proof the impressment theory must be rejected.

ASSUMPTIONS

1. The government of the United States would not wish to engage in war with Japan at this time.
2. The State Department would welcome the removal of every cause of war, friction or even diplomatic correspondence.
3. The holding or the release of these prisoners will not affect our military task in Mexico to the slightest degree; the holding of them might lead to friction and would lead to much correspondence.
4. It is poor administration for a commander to forward any matter for the action of higher authority which he can settle himself. Half the paper work in the army is caused by timid commanders declining to take action in proper cases.

CONCLUSIONS

Realizing fully that the Japanese consul is trying to "put one over" on him, General A decides to hold these men three days, to have his G2 investigate their history and conduct in Mexico and to personally examine each and to make photographs and finger prints of each. At the end of three days he will write the Japanese consul, regardless of the result of the examination, in substance as follows:

"The commanding officer, Prison Camp No. 1, has been directed to turn over to you for deportation to Japan the six Japanese prisoners captured fighting with the Mexicans three days ago. My intelligence section has made a thorough investigation of the history and conduct of these men since their arrival in Mexico and has taken photographs and finger prints of them. I am enclosing copies of the photographs and finger prints to assist you in sending the proper men to Japan.

"I am very pleased to grant this request to your nation which has always been so good a friend to the United States."

Eventually, why not now?

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SOLUTIONS BY THE CLASS

Nine students refused flatly to release the prisoners, eleven held them pending investigations, twenty referred the matter to the commander-in-chief or State Department in some way, one requested further information, and one replied that he had no power to release. None released the prisoners.

ERRORS

(a) Writing an impolite or undiplomatic note. In form the reply should be the essence of politeness.
(b) Forwarding to commander-in-chief or State Department for a decision.
(c) Failure to answer question.

Special Situation No. 9:

There were nine logical solutions to this problem submitted. Five students answered positively to the three situations:

Yes Yes No.

While four students answered:

No No Yes.

All other solutions were half-way measures.

The poorest solutions were those which forwarded the matter to the commander-in-chief for decision.

There is no question of law involved, but simply a question of doing justice to an American citizen trying to get back to his own country after the outbreak of war.

A similar but not identical case occurred at Vera Cruz. The differences in the two cases were these: At Vera Cruz war was not declared and the trial of the Americans had been set by the Mexican courts. General Funston, overruling the advice of

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his judge advocate, ordered the gold restored to the Americans and they were permitted to leave the country with it.

Errors

(a) Half-way measures.
(b) Forwarding for decision by higher authority.

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Appendices

1. General Pershing's proclamation to the people of the Grand Duchy of Luxembourg.
2. General Pershing's proclamation to the people of the occupied territory of Germany.
3. General Pershing's anti-fraternizing order.
4. Organization of the offices of the officer in charge of civil affairs in Germany.
5. General Scott's first proclamation to the people of Mexico, 1847.
6. General Scott's second proclamation to the people of Mexico, 1847.
7. General Scott's martial law order.
8. Admiral Fletcher's proclamation at Vera Cruz, 1914.
9. Admiral Fletcher's regulations at Vera Cruz, 1914.

Appendix 1

General Pershing's Proclamation to the People of Luxembourg

GENERAL HEADQUARTERS
AMERICAN EXPEDITIONARY FORCES
FRANCE, *November 18, 1918.*

PROCLAMATION

To the Inhabitants of the Grand Duchy of Luxembourg:

After four years' violation of territorial rights the Grand Duchy of Luxembourg has just been happily freed. The armies of the United States and the allied forces demanded freedom from German occupation as one of the conditions of the present armistice. The American troops now find it necessary to pass through the Grand Duchy of Luxembourg and to establish and maintain their line of communication there for a certain length of time.

The American troops are coming into the Grand Duchy of Luxembourg as friends and their conduct will be strictly in accordance with the dictates of international law. Their presence, which will not be prolonged more than is absolutely necessary, will not be a burden to you. The functioning of your government and institutions will not be interfered with in any manner. Your ways of life and occupations will not be disturbed. Your person and goods will be respected. It will be necessary for the American Army to use various buildings, railways, telegraph and telephone lines, and perhaps other public buildings also for lodging and transport needs; such

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supplies as may be needed will be paid for in accordance with a just valuation.

It is presumed that no acts of violence will be committed by you against the American Army, and no information, aid or assistance given to its enemies. You will be expected to observe all instruction which the American command may consider necessary to ensure the safety of its troops and that of the inhabitants.

JOHN J. PERSHING,
General, Commander-in-Chief,
American Expeditionary Forces.

Appendix 2

General Pershing's Proclamation to the People of Germany

PROCLAMATION

To All Inhabitants:

The Army of the United States of America, operating with the allied military authority, takes possession of and occupies * * * * * * * * * * *The described territory and its inhabitants are under the military rule and authority of the American Army.

This rule is strict, and implicit obedience to it is exacted of all. None the less, no law-abiding person need have any fear. The American Army has not come to make war on the civilian population. All persons, who with honest submission act peaceably and obey the rules laid down by the military authorities, will be protected in their persons, their homes, their religion and their property. All others will be brought within the rule with firmness, promptness and vigor.

The American Army will govern in strict accordance with international law and the rules and customs of war sanctioned by the civilized world. The inhabitants, on their part, must absolutely abstain, in word and deed, from every act of hostility or impediment, of any kind, toward the American forces.

It is your duty now to devote yourselves to the orderly and obedient conduct of your private lives and affairs, the re-establishment of normal conditions in your schools, churches, hospitals and charitable institutions and the resumption of your local civil life. You will not be obstructed; ut, on the contrary, you will be encouraged and protected n those pursuits. So far as your attitude and conduct make t possible, your local courts, governing bodies and institue continued in operation under the supervision of n authorities, and except where they affect the ecurity of the American Army, your present laws ons will remain undisturbed and in force.

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Every violation of the laws of war, every act or offer of hostility or violence and every disobedience of rules laid down by the military authority will be punished with the utmost vigor.

JOHN J. PERSHING,
Commander-in-Chief,
American Expeditionary Forces.

Appendix 3

General Pershing's Anti-Fraternizing Order

GENERAL HEADQUARTERS
AMERICAN EXPEDITIONARY FORCES

FRANCE, *November 28, 1918.*

GENERAL ORDERS }
No 218. }

In view of the extraordinary conditions under which that part of the American Expeditionary Forces which constitutes the army of occupation of German territory is serving, the commander-in-chief desires to acquaint the officers and men composing it with the expectations which he entertains as to their conduct. You have come not as despoilers or oppressors, but simply as the instruments of a strong, free government whose purposes towards the people of Germany are beneficent. During our occupation the civil population is under the special safeguard of the faith and honor of the American Army.

It is, therefore, the intention of this order to appeal directly to your pride in your position as representatives of a powerful but righteous nation, with the firm conviction that you will so conduct yourself in your relations with the inhabitants of Germany as will cause them to respect you and the country you have the honor to represent. While you appear among them as a conquering army, you will exhibit no ill will towards the inhabitants.

On the other hand you are warned against conduct unbecoming your position as instruments of military rule. So long as a state of war continues, Germany remains enemy territory, and there must be no intimate personal association with its inhabitants. A dignified and reserved attitude will be maintained on your part at all times.

It is not believed that any acts of pillage or violence will be committed by members of the American forces, but, should any persons prove themselves unworthy of this confidence, their acts will be considered not only as crimes against the sufferers, but as dishonoring the American Army and as a

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direct insult to the flag of the United States. Such transgressions, should they occur, will be punished with the severest penalties known to our military law.

BY COMMAND OF GENERAL PERSHING:

JAMES W. McANDREW,
Chief of Staff.

Appendix 4

Organization of Civil Affairs in Germany

ADVANCE GENERAL HEADQUARTERS
AMERICAN EXPEDITIONARY FORCES

Officer in Charge of Civil Affairs in Occupied Teritory

TREVES, GERMANY, *December 13, 1918.*

ORDERS
No. 1.

1. Army, corps and division commanders will detail, from their commands, suitable officers to be designated as in charge of the civil affairs on their respective staffs.

2. The division commander will be responsible for the administration of civil affairs in his district. He will detail a suitable officer, preferably the commanding officer, to be in charge of each town or canton occupied. Army and corps commanders will take similar action in the case of territory occupied by the army and corps troops.

3. Cantons not garrisoned will be inspected and regulated by officers detailed by the commanding general of the division controlling the area in which such cantons are located, or in the case of army or corps troops by the army or corps commander.

4. The office of the officer in charge of civil affairs will be the only office of record in civil affairs administration. All reports, documents and papers of any kind relating to civil affairs in the occupied territory will be forwarded to this office for action or file.

ORGANIZATION

5. The office of the officer in charge of civil affairs will be organized with the following departments:

(a) *Public Works and Utilities.*—This department will include supervision of railroads, street railways, telephones, electric lighting plants, etc. The officer in charge will consult and co-operate with the Inter-Allied Commission on Railroads.

(b) *Fiscal Affairs.*—This department will be charged with the supervision of all treasuries, banks, financial institutions and all matters of taxation.

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(c) *Sanitation and Public Health.*—This department will have charge of the sanitation and health in the districts, so far as the inhabitants are concerned.

(d) *Schools and Charitable Institutions.*—This department will exercise a general supervision over all schools and charitable institutions in the occupied districts.

(e) *Legal Department.*—This department will exercise general supervision over all military commissions and provost courts and will be charged with the custody of all court records. It will exercise general supervision over all local courts in the territory occupied.

(f) Other departments will be added when the necessity arises.

6. Officers in charge of the above departments are advisory to the officer in charge of civil affairs. In giving instructions to officers, they will be careful that they are given through the proper channels.

COURTS

7. Army, corps and division commanders are authorized to convene military commissions for the trial of inhabitants offending against the laws of war or the military government.

8. No death sentence will be carried into execution unless approved by the commander-in-chief.

9. Division commanders will appoint, for the districts occupied by their divisions, a superior provost court to consist of one officer, preferably a field officer. Army and corps commanders will appoint a superior provost court for the districts occupied by the army and corps troops. The maximum punishment which this court may impose is imprisonment for six months and a fine of five thousand marks, or both.

10. Commanding officers of each city, town or canton will appoint an inferior provost court for the trial of minor offenses against laws of war or military government by inhabitants. The maximum punishment which this court may impose is imprisonment for three months and a fine of one thousand marks, or both.

11. Officers appointing provost courts shall have power to approve, disapprove or mitigate the sentences of such courts.

12. Each provost court will keep a simple record showing the name of the offender, the offense, the plea, the finding, the sentence and the action of the convening authority in each case.

13. Weekly reports, to be made each Saturday, will be forwarded, through channels, to the office of the officer in charge of civil affairs, showing all cases tried and the information given in Par. 12.

14. A form for these reports is attached hereto.

15. No member of the American or allied forces will be tried by any military commission or provost court.

16. All money collected as fines by provost courts will be turned in weekly to the Department of Fiscal Affairs.

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REQUISITIONS

17. Billets for officers and men, fuel, forage and straw will be requisitioned.

18. Food will not be requisitioned except in case of an immediate emergency. All such cases to be reported at once to the division, corps or army commander.

19. Requisitions will only be demanded on authority of the commanding officer in the locality occupied.

20. Requisitions will not be paid in cash, but a receipt will be given for all supplies and billets furnished. This receipt will be signed by a supply officer and approved by the commanding officer. It will show clearly the number of billets occupied, and the length of time and the quantity and condition of all supplies furnished.

21. Requisitions should generally be made upon municipalities, but may be made upon individuals when necessary.

22. All inhabitants should file receipts with their *burgomeister*.

23. Supply officers will forward through channels to the office of the officer in charge of civil affairs one copy of all receipts given.

24. Time will be changed from German to International time at midnight, December 14-15. At that time all clocks will be set back one hour. Military authorities will see that the local German authorities in all occupied cities, towns or cantons are notified.

25. The official rate of exchange is one hundred (100) francs equal one hundred and forty-two marks and eighty-five pfennings (142.85) or one mark equals seventy (70) centimes. Officers and men should change their francs at banks, as short changing will be eliminated; the banks stand the loss if any, and general prices will not be raised.

BY COMMAND OF GENERAL PERSHING:

JAMES W. McANDREW,
Chief of Staff.

OFFICIAL:

ROBERT C. DAVIS,
Adjutant General.

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General Scott's First Proclamation to the People of Mexico

HEADQUARTERS OF THE ARMY

VERA CRUZ, *April 11, 1847.*

Major General Scott, general-in-chief of the Armies of the United States of America:

To the good people of Mexico:

PROCLAMATION

MEXICANS: At the head of a powerful army, soon to be doubled, a part of which is advancing upon your capital, and with another army under Major General Taylor, in march from Saltillo towards San Luis de Potosi, I think myself called upon to address you.

MEXICANS: Americans are not your enemies, but the enemies, for a time, of the men who, a year ago, misgoverned you, and brought about this unnatural war between two great republics. We are friends of the peaceful inhabitants of the country we occupy, and the friends of your hold religion, its hierarchy, and its priesthood. The same church is found in all parts of our own country, crowded with devout Catholics, and respected by our government, laws, and people.

For the church of Mexico, the unoffending inhabitants of the country, and their property, I have from the first, done everything in my power to place them under the safeguard of martial law, against the few bad men in this army.

My orders to that effect, known to all, are precise and rigorous. Under them, several Americans have already been punished, by fine, for the benefit of Mexicans, besides imprisonment; and one, for a rape, has been hung by the neck.

Is this not a proof of good faith and energetic discipline? Other proofs shall be given as often as injuries to Mexicans may be detected.

On the other hand, injuries committed by individuals, or parties of Mexico, not belonging to the public forces, upon individuals, small parties, trains of wagons and teams, or of pack mules, or on any other person or property belonging to this army, contrary to the laws of war, shall be punished with rigor; or, if the particular offenders be not delivered up by the Mexican authorities, the punishment shall fall upon entire cities, towns, or neighborhoods.

Let, then, all good Mexicans remain at home, or at their peaceful occupations; but they are invited to bring in for sale, horses, mules, beef, cattle, corn, barley, wheat, flour for bread, and vegetables. Cash will be paid for everything this army may take or purchase, and protection will be given to all sellers. The Americans are strong enough to offer these as-

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surances, which, should Mexicans wisely accept, this war may soon be happily ended, to the honor and advantage of both belligerents. Then the Americans having converted enemies into friends, will be happy to take leave of Mexico, and return to their own country.

WINFIELD SCOTT.

Appendix 6

General Scott's Second Proclamation to the People of Mexico

MEXICANS: The late events of the war, and the measures adopted in consequence by your government, make it my duty to address you in order to lay before you the truths of which you are ignorant, because they have been criminally concealed from you. I do not ask you to believe me simply on my word —though he who has not been found false has a claim to be believed—but to judge for yourselves of these truths from facts within the view and scrutiny of you all.

Whatever may have been the origin of this war, which the United States were forced to undertake by insurmountable causes, we regarded as an evil. War is ever such to both belligerents, and the reason and justice of the case, if not known on both sides, are in dispute and claim by each. You have proof of this truth as well as we, for in Mexico, as in the United States, there have existed, and do exist, two opposite parties, one desiring peace and the other war.

Governments, however, have sacred duties to perform, from which they cannot swerve; and these duties frequently impose, from national considerations, a silence and reserve that displease at times the majority of those who, from views purely personal and private, are formed in opposition, to which governments can pay little attention, expecting the nation to repose in them the confidence due to a magistracy of its own selection. Considerations of high policy and of continental American interests precipitated events in spite of the circumspection of the Cabinet at Washington. This Cabinet, ardently desiring to terminate all differences with Mexico, spared no efforts compatible with honor and dignity. It cherished the most flattering hopes of attaining this end by frank explanations and reasonings, addressed to the judgment and prudence of the virtuous and patriotic government of General Herrera. An unexpected misfortune dispelled these hopes and closed every avenue to an honorable adjustment. Your new government disregarded the national interests as well as those of continental America, and yielded, moreover, to foreign influences the most opposed to these interests—the most fatal to the future of Mexican liberty and of that republican system which the United States hold it a duty to preserve and protect.

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Duty, honor, and dignity placed us under the necessity of not losing a season of which the monarchial party was fast taking advantage. As not a moment was to be lost, we acted with a promptness and decision suited to the urgency of the case in order to avoid a complication of interests which might render our relations more difficult and involved. Again, in the course of civil war, the government of General Paredes was overthrown. We could not but look upon this as a fortunate event, believing that any other administration representing Mexico would be less deluded, more patriotic, and more prudent, looking to the common good, weighing probabilities, strength, resources, and above all, the general opinion as to the inevitable results of a national war. We were deceived, and perhaps you Mexicans were also deceived, in judging of the real intentions of General Santa Anna, when you recalled and when our government permitted him to return.

Under this state of things, the Mexican nation has seen the results lamented by all and by us most sincerely, for we appreciate, as is due, the valid and noble decision of those unfortunate men who go to battle ill conducted, worse cared for, and almost always enforced by violence, deceit, or perfidy.

We are witnesses, and we shall not be taxed with partiality, as a party interested, when we lament with surprise that the heroic behavior of the garrison at Vera Cruz in its valiant defense, has been aspersed by the general who has just been routed and put to shameful flight at Buena Vista by a force far inferior to his own. The same general rewarded the insurgents of the capital—promoters of civil war—and heaped outrage upon those who had just acquired for themselves similar distinction by resistance beyond expectation and of admirable decision.

Finally, the bloody event of Cerro Gordo has plainly shown the Mexican nation what it may reasonably expect if it is no longer blind to its real situation—a situation to which it has been brought by some of its generals whom it has most distinguished and in whom it has most confided. The hardest heart would have been moved to grief in contemplating any battlefield in Mexico a moment after the last struggle. Those generals whom the nation has paid without service rendered for so many years have in the day of need, with some honorable exceptions, but served to injure her by their bad example or unskillfulness. The dead and wounded on these fields receive no mark of military distinction, sharing alike the sad fate which has been the same from Palo Alto to Cerro Gordo; the dead remained unburied and the wounded abandoned to the clemency of charity of the victor. Soldiers who go to battle, knowing they have such reward to look for, deserve to be classed with the most heroic, for they are stimulated by no hope of glory, nor remembrance, nor sigh—not even a grave.

Again, contemplate honorable Mexicans, the lot of peaceful and industrious citizens in all classes of your country. The possessions of the church menaced and presented as an

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allurement to revolution and anarchy; the fortunes of rich proprietors pointed out for the plunder of armed ruffians; the merchant and the mechanic, the husbandman and the manufacturer, burdened with contributions, excises, monopolies, duties on consumption, surrounded by officers and collectors of these odius internal customs; the man of letters and the legislator; the freeman of knowledge who dares to speak, persecuted, without trial, by some faction, or by the very rulers who abuse their power; and criminals, unpunished, are set at liberty, as were those at Perote. What then, Mexicans, is the liberty of which you boast?

I will not believe that Mexicans of the present day want the courage to confess errors which do not dishonor them, or to adopt a system of true liberty—one of peace and union with their brothers and neighbors of the north.

Neither can I believe the Mexicans ignorant of the infamy, of the calumnies put forth by the press in order to excite hostility against us. No, public spirit cannot be created or animated by falsehood. We have not profaned your temples, nor abused your women, nor seized your property, as they would have you believe. We say it with pride, and we confirm it by an appeal to your bishops and the curates of Tampico, Tuxpan, Matamoros, Monterey, Vera Cruz, and Jalapa, to all the clergy, civil authorities, and inhabitants of all the places we have occupied.

We adore the same God, and a large portion of our army, as well as of the people of the United States, is Catholic, like yourselves. We punish crime wherever we find it, and reward merit and virtue.

The Army of the United States respects, and will ever respect, private property of every class, and the property of the Mexican church. Woe to him who does not, where we are. Mexicans, the past is beyond remedy, but the future may yet be controlled. I have repeatedly declared to you that the government and the people of the United States desire peace, desire your sincere friendship. Abandon, then, state prejudices, cease to be the sport of private ambition, and conduct yourselves like a great American nation. Abandon at once those old colonial habits and learn to be truly free, truly republican. You may then soon attain prosperity and happiness, of which you possess all the elements; but *remember that you are Americans*, and that your happiness is not to come from Europe.

I desire, in conclusion, to say to you, with equal frankness, that were it necessary, an army of one hundred thousand Americans would soon be among you, and that the United States, if forced to terminate by arms their differences with you, would not do it in an uncertain or precarious, or still less in a dishonorable manner. It would be an insult to the intelligent people of their country to doubt their knowledge of your power. The system of forming guerilla parties to annoy us will, I assure you, produce only evils to their country and none to our army, which knows how to protect itself, and how to proceed against such cut-throats; and if, so far

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from calming resentments and passions, you try to irritate, you will but force upon us the hard necessity of retaliation. In that event, you cannot blame us for the consequences which will fall upon yourselves. I shall march with this army upon Puebla and Mexico. I do not conceal this from you. From those capitals I may again address you. We desire peace, friendship, and union; it is for you to choose whether you prefer continued hostilities. In either case, be assured, I will keep my word.

WINFIELD SCOTT.

Headquarters of the Army,
Jalapa, May 11, 1847.

Appendix 7

General Scott's Martial Law Order

HEADQUARTERS OF THE ARMY,
NATIONAL PALACE OF MEXICO,
September 17, 1847.

GENERAL ORDERS }
No. 267. }

The general-in-chief republishes, with important additions, the General Orders No. 20 of February 19, 1847, (declaring martial law) to govern all who may be concerned.

1. It is still to be apprehended that many grave offenses, not provided for in the act of Congress "establishing rules and articles for the government of the armies of the United States" approved April 10, 1806, may be committed—by, or upon, individuals of those armies, in Mexico, pending the existing war between the two Republics. Allusion is here made to offenses, any one of which, if committed within the United States or their organized territories, would, of course, be tried and severely punished by the ordinary or civil courts of the land.

2. Assassination, murder, poisoning, rape, or the attempt to commit either; malicious stabbing or maiming; malicious assault and battery, robbery, theft; the wanton desecration of churches, cemeteries or other religious edifices and fixtures; the interruption of religious ceremonies, and the destruction, except by order of a superior officer, of public or private property; are such offenses.

3. The good of the service, the honor of the United States and the interests of humanity imperiously demand that every crime, enumerated above, should be severely punished.

4. But the written code, as above, commonly called the *rules and articles of war*, does not provide for the punishment of *one* of these crimes, even when committed by individuals of the army upon the persons or property of other individuals of the same, except in the very restricted case in the 9th of those articles; nor for like outrages, com-

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mitted by the same class of individuals, upon the persons or property of a hostile country, except very partially, in the 51st, 52d and 55th articles; and the same code is absolutely silent as to all injuries which may be inflicted upon individuals of the army, or their property, against the laws of war, by individuals of a hostile country.

5. It is evident that the 99th article, independent of any restriction in the 37th is wholly negatory in reaching any one of those high crimes.

6. For all the offenses, therefore, enumerated in the second paragraph above, which may be committed abroad—in, by, or upon the army, a supplemental code is absolutely needed.

7. The *unwritten* code is *martial law*, as an addition to the *written* military code, prescribed by Congress in the rules and articles of war, and which unwritten codes, all armies, in hostile countries, are forced to adopt—not only for their own safety, but for the protection of the unoffending inhabitants and their property about the theatres of military operations, against injuries on the part of the army, contrary to the laws of war.

8. From the same supreme necessity, martial law is hereby declared as a supplemental code in, and about, all cities, towns, camps, posts, hospitals, and other places which may be occupied by any part of the forces of the United States, in Mexico, and in, and about, all columns, escorts, convoys, guards and detachments, of the said forces, while engaged in prosecuting the existing war in, and against the said republic and while remaining within the same.

9. Accordingly, every crime, enumerated in paragraph No. 2, above whether committed; 1. By any inhabitant of Mexico, sojourner or traveller therein, upon the person or property of any individual of the United States forces, retainer or follower of the same; 2. By any individual of the said forces, retainer or follower of the same, upon the person or property of any inhabitant of Mexico, sojourner or traveller therein; or 3. By any individual of the said forces, retainer or follower of the same upon the person or property of any other individual of the said forces, retainer or follower of the same—shall be duly tried and punished under the said supplemental code.

10. For this purpose it is ordered, that all offenders, in the matters aforesaid, shall be promptly seized, confined and reported for trial, before *military commissions*, to be duly appointed as follows:

11. Every military commission, under this order, will be appointed, governed and limited, as nearly as practicable, as prescribed by the 65th, 66th, and 97th, of the said rules and articles of war, and the proceedings of such commissions will be duly recorded, in writing, reviewed, revised, disapproved or approved, and the sentences executed—all, as near as may be, as in the cases of the proceedings and sentences of courts-martial, *provided*, that no military commission shall try any case clearly cognizable by any court-martial, and *provided*,

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also, that no sentence of a military commission shall be put in execution against any individual belonging to this army, which may not be, according to the nature and degree of the offense, as established by evidence, in conformity with known punishments, in like cases, in some one of the States of the United States of America.

12. The sale, waste or loss of ammunitions, horses, arms, clothing or accoutrements, by soldiers, is punishable under the 37th and 38th Articles of War. Any Mexican or resident or traveller, in Mexico, who shall purchase of any American soldier, either horse, horse-equipments, arms, ammunition, accoutrements or clothing, shall be tried and severely punished by a military commission, as above.

13. The administration of justice, both in civil and criminal matters through the ordinary courts of the country, shall nowhere and in no degree, be interrupted by any officer or soldier of the American forces, except, 1. In cases to which an officer, soldier, agent, servant, or follower of the American Army may be a party; and 2. In *political cases*—that is, prosecutions against other individuals on the allegations that they have given friendly information, aid or assistance to the American forces.

14. For the ease and safety of both parties, in all cities and towns occupied by the American Army, a Mexican police shall be established and duly harmonized with the military police of the said forces.

15. This splendid capital—its churches and religious worship; its convents and monasteries; its inhabitants and property are, moreover, placed under the special safeguard of the faith and honor of the American Army.

16. In consideration of the foregoing protection, a contribution of $150,000 is imposed on this capital, to be paid in four weekly instalments of thirty-seven thousand five hundred dollars ($37,500) each, beginning on Monday next, the 20th instant, and terminating on Monday the 11th of October.

17. The Ayuntamiento, or corporate authority of the city, is specially charged with the collection and payment of the several instalments.

18. Of the whole contribution to be paid over to this army, twenty thousand dollars shall be appropriated to the purchase of *extra* comforts for the wounded and sick in hospital; ninety thousand dollars ($90,000) to the purchase of blankets and shoes for gratuitous distribution among the rank and file of the army, and forty thousand dollars ($40,000) reserved for other necessary military purposes.

19. This order will be read at the head of every company of the United States forces, serving in Mexico, and translated into Spanish for the information of Mexicans.

BY COMMAND OF MAJOR GENERAL SCOTT:

H. L. SCOTT, *A. A. A. G.*

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Admiral Fletcher's Proclamation at Vera Cruz

PROCLAMATION

TO THE

PEOPLE OF VERA CRUZ

Printed in both English and Spanish on same sheet.

The officials of the Mexican Federation and of the State of Vera Cruz who were in office at the time of the landing of the United States forces under my command have informed me of their inability to continue in the discharge of the functions of their respective offices. Although the municipal authorities of the city, with a fine consideration for the interests of their fellow citizens, have, in reply to my request, resolved to continue on the performance of their respective duties, there is no provision in the municipal laws and ordinances for the performance of many important functions of government.

These facts have created a condition which requires adoption of different measures than those proposed in my proclamation of the 22d instant. Therefore, in order to afford to the inhabitants of Vera Cruz and of the other territory hereafter described, the privileges of a government exercising all the functions necessary for the establishment and maintenance of the fundamental rights of men, I do hereby under my authority as commanding officer of the military force of the United States of America, in the city of Vera Cruz proclaim that martial law exists in Vera Cruz and the territory contiguous thereto now occupied by the forces under my command, and that such law shall be hereafter extended to such additional territory as may hereafter be occupied by my forces.

I further proclaim, in accordance with the law of nations and the usages of customs, and conventions of my own and other governments, that I am vested with the power and responsibility of government in all its branches throughout the territory above described. The proper administration of such government by martial law will be provided for in regulations to be issued from time to time as required, by the commanding officer of the forces of the United States of America.

Done at the City of Vera Cruz this 26th of April, 1914.

FLETCHER,
Rear Admiral, United States Navy,
Commanding the Forces of the United States
of America now occupying Vera Cruz.

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Admiral Fletcher's Regulations at Vera Cruz

REGULATIONS

Promulgated by the commanding officer of the forces of the United States of America for the establishment of civil government under martial law in the territory occupied by such forces in and near Vera Cruz, Mexico.

Article 1. All functions of government, legislative, executive and judicial, shall be vested in one official to be known as civil governor of the territory affected hereby, who shall at all times and as to the exercise of all his functions be subject and subordinate to the will and direction of the commanding officer of the United States forces occupying said territory. He shall from time to time establish such departments, bureaus and branches as he may in his discretion think necessary for the proper organization and conduct of the governmental functions entrusted to his charge, with power to appoint and remove such officials, subordinates, agents and employees as may from time to time become necessary and may delegate to them such powers as he may think proper. Whenever the officials hereafter designated shall be appointed, the civil governor, in the document evidencing such appointment and in such other orders as may from time to time be required, shall specify the duties, powers and responsibilities of each of such officials. Until they are so appointed to their respective offices, all the powers and faculties naturally pertaining to their offices shall be exercised and performed by the civil governor under the general powers conferred upon him hereunder.

Article 2. In the organization and conduct of the government hereby created, the civil governor and all the other officials shall be governed by the rules and provisions of the substantive and remedial laws of the Republic of Mexico, the State of Vera Cruz and the municipality of Vera Cruz which were in force and effect at the time of the occupation of the territory above described, by the forces of the United States of America, except in so far as the same may be modified by these or other regulations, decrees or orders to be hereafter promulgated by the commanding officer of the forces of the United States of America or by the civil governor or any of the other officials acting under him as hereby provided.

Article 3. So far as possible, the taxes and imposts, federal, state and local, heretofore regularly levied and collected in the territory hereby affected shall continue to be levied and collected by the civil governor and his subordinate officials without the creation of additional burdens or imposts, except when required by unusual exigencies either military or civil. The expenses of the maintenance of the government

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hereby created shall be paid out of the moneys so received and any surplus shall be disposed of as hereafter directed.

Article 4. The civil governor may appoint an official to have charge of the port and harbor of Vera Cruz, who may exercise the functions of all the officials heretofore concerned in the business carried on in such connection, with such specific powers as may hereafter be determined. Such official shall be known as the inspector of the port.

Article 5. The collection, conservation and disbursement of all revenues of every class, including those heretofore collected under federal, state and municipal authority shall be entrusted to a treasurer under special regulations to be hereafter promulgated.

Article 6. The administration of justice under the federal, state and municipal laws and ordinances heretofore in force, and such additional laws and regulations as may hereafter be adopted shall be entrusted to an official to be known as the administrator of justice who shall perform all the functions heretofore exercised in said territory by federal judges, state judges of the first and second instance, judge of the civil register, judge of the public register, notaries public and all other officials and agents discharging any duty in connection with the administration of justice and such administrator may appoint such judges, secretaries, government attorneys, notaries and other officials and agents as may hereafter be found convenient, under special regulations to be hereafter adopted.

Article 7. The functions of the municipal officials of the city as defined by the laws heretofore in effect shall be exercised by such persons as may hereafter be designated in accordance with the general provisions of these regulations and others that may hereafter be adopted.

Article 8. Other functions and departments of government, including post office, telegraph, police, sanitation, and all others that may require to be specially provided for, shall be administered in accordance with orders or regulations to be hereafter adopted.

Article 9. The officials to be appointed as herein contemplated may be either Americans or Mexicans or of any other nationality, it being the intent and purpose to extend to the inhabitants of the territory affected hereby as large a participation in the administration of the government hereby created as may be practical, with due consideration for the ends to be accomplished.

Done at the city of Vera Cruz on the twenty-eighth day of April, A. D. 1914.

F. F. FLETCHER,
Rear Admiral of the United States Navy,
Commanding Officer of the Military Forces
of the United States of America at Vera Cruz.

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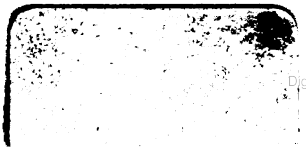

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